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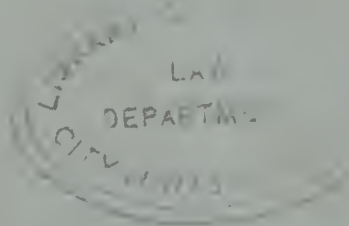
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ELECTION LAW

Of 1842,

As Amended in 1847.

☞ The officer to whom this is distributed will deliver it to his successor in office.



CONSTITUTION.

ARTICLE II.

SECTION 1. Every male citizen of the age of twenty-one years, who shall have been *a citizen for ten days, and an inhabitant of this State one year next preceding any election, and for the last four months a resident of the county where he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people; but such citizen shall have been for thirty days next preceding the election, a resident of the district from which the officer is to be chosen for whom he offers his vote.* But no man of color, unless he shall have been for three years a citizen of this State, and for one year next preceding any election shall have been seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and shall have been actually rated and paid a tax thereon, shall be entitled to vote at such election. And no person of color shall be subject to direct taxation unless he shall be seized and possessed of such real estate as aforesaid.

Qualification of electors.

Freehold for persons of color.

SECTION 2. Laws may be passed excluding from the right of suffrage all persons who may have been or may be convicted of bribery, of larceny, or of any infamous crime; and for depriving every person who shall make, or become directly or indirectly interested in any bet or wager depending upon the result of any election, from the right to vote at such election.

Who may be excluded.

Betting.

SECTION 3. For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the

Residence.

United States; nor while engaged in the navigation of the waters of this State, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms house, or other asylum, at public expense; nor while confined in any public prison.

Proof of
right to vote.

SECTION 4. Laws shall be made for ascertaining by proper proofs the citizens who shall be entitled to the right of suffrage hereby established.

Ballot.

SECTION 5. All elections by the citizens shall be by ballot, except for such town officers as may by law be directed to be otherwise chosen.

ARTICLE III.

Legislature.

§ 1. The legislative power of this State shall be vested in a Senate and Assembly.

Senate and
Assembly.

§ 2. The Senate shall consist of thirty-two members, and the Senators shall be chosen for *two* years.

The Assembly shall consist of one hundred and twenty-eight members, who shall be annually elected.

Senatorial
districts.

§ 3. The State shall be divided into *thirty-two* districts, to be called Senate districts, each of which shall choose one Senator. The districts shall be numbered from one to thirty-two inclusive.

No 1.

District number one (1) shall consist of the counties of Suffolk, Richmond and Queens.

No. 2

District number two (2) shall consist of the county of Kings.

Supervisors
to divide
New-York
into districts.

Districts number three (3) number four (4) number five (5) and number six (6) shall consist of the city and county of New-York; and the board of supervisors of said city and county shall, on or before the first day of May, one thousand eight hundred and forty-seven divide the said city and county into the number of Senate districts to which it is entitled, as near as may be of an equal number of inhabitants, excluding aliens and persons of color not taxed, and consisting of convenient and contiguous territory; and no Assembly district shall be divided in the formation of a Senate district. The board of supervisors, when they shall have completed such division, shall cause certificates thereof, stating the number

and boundaries of each district, and the population thereof, to be filed in the office of the Secretary of State, and of the clerk of the said city and county.

[Description of the Senate districts in the county of New-York as adopted by the board of supervisors of said county, April 27, 1847, pursuant to the 3d section of article 3, of the amended Constitution.]

Senate district.	Wards.	Rep. population.	
Third,	1st, 2d, 3d, 4th, 5th and 6th,	68,004	No. 3.
Fourth,	7th, 10th, 13th, and 17th,	81,458	No. 4.
Fifth,	8th, 9th, and 14th,	70,063	No. 5.
Sixth,	11th, 12th, 15th, 16th and 18th,	78,094	No. 6.

CITY AND COUNTY OF NEW-YORK, }
April 28, 1847. }

I certify the foregoing to be a correct copy of the description of Senate districts of this city and county as adopted by the supervisors thereof on the 27th April, 1847.

D. T. VALENTINE,
Clerk of Board of Supervisors.]

District number seven (7) shall consist of the counties of No. 7
 Westchester, Putnam and Rockland.

District number eight (8) shall consist of the counties of No. 8
 Dutchess and Columbia.

District number nine (9) shall consist of the counties of No. 9
 Orange and Sullivan.

District number ten (10) shall consist of the counties of No. 10.
 Ulster and Greene.

District number eleven (11) shall consist of the counties of No. 11.
 Albany and Schenectady.

District number twelve (12) shall consist of the county of No. 12.
 Rensselaer.

District number thirteen (13) shall consist of the counties No. 13
 of Washington and Saratoga.

District number fourteen (14) shall consist of the counties No. 14.
 of Warren, Essex, and Clinton.

District number fifteen (15) shall consist of the counties No. 15.
 of St. Lawrence and Franklin.

District number sixteen (16) shall consist of the counties No. 16.
 of Herkimer, Hamilton, Fulton and Montgomery.

District number seventeen (17) shall consist of the counties No. 17.
 Schoharie and Delaware.

District number eighteen (18) shall consist of the counties No. 18.
 of Otsego and Chenango.

District number nineteen (19) shall consist of the county No. 19.
 of Oneida.

- No. 20. District number twenty (20) shall consist of the counties of Madison and Oswego.
- No. 21. District number twenty-one (21) shall consist of the counties of Jefferson and Lewis.
- No. 22. District number twenty-two (22) shall consist of the county of Onondaga.
- No. 23. District number twenty-three (23) shall consist of the counties of Cortland, Broome and Tioga.
- No. 24. District number twenty-four (24) shall consist of the counties of Cayuga and Wayne.
- No. 25. District number twenty-five (25) shall consist of the counties of Tompkins, Seneca and Yates.
- No. 26. District number twenty-six (26) shall consist of the counties of Steuben and Chemung.
- No. 27. District number twenty-seven (27) shall consist of the county of Monroe.
- No. 28. District number twenty-eight (28) shall consist of the counties of Orleans, Genesee and Niagara.
- No. 29. District number twenty-nine (29) shall consist of the counties of Ontario and Livingston.
- No. 30. District number thirty (30) shall consist of the counties of Allegany and Wyoming.
- No. 31. District number thirty-one (31) shall consist of the county of Erie.
- No. 32. District number thirty-two (32) shall consist of the counties of Chautauque and Cattaraugus.

Census
when to be
taken.

Districts to
be altered.

To remain
unaltered.

§ 4. An enumeration of the inhabitants of the State shall be taken, under the direction of the Legislature, in the year one thousand eight hundred and fifty-five, and at the end of every ten years thereafter; and the said districts shall be so altered by the Legislature, at the first session after the return of every enumeration, that each senate district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens, and persons of color not taxed; and shall remain unaltered until the return of another enumeration, and shall at all times consist of contiguous territory; and no county shall be divided in the formation of a Senate district, *except such county shall be equitably entitled to two or more Senators.*

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

I certify the preceding to be correct transcripts of Article two, and of sections one, two, three and four, of Article three, of the Constitution of this State, (including the division of the Senate districts in the city and county of New-York, made by the supervisors thereof,) compared with the originals deposited in this office.

N. S. BENTON,

Secretary of State.

Albany, May 10, 1847.

AN ACT

Respecting elections other than for Militia and Town Officers.

PASSED APRIL 5, 1842.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

TITLE I.

Of the qualifications, disabilities and privileges of electors.

SEC. 1.—Certain sections repealed.

SEC. 2.—Persons convicted of infamous crimes not to vote unless pardoned

SEC. 3.—No civil process to be served on a voter during election.

§ 1. The first and second sections of the first title, and the first section of the third title, and the twenty-first section of the fourth title of the act entitled “An act respecting elections other than for militia and town officers,” passed April 5, 1842, are hereby repealed. [*Sec. 1, Chap. 240, of 1847.*]

§ 2. [Sec. 3.] No person who shall have been convicted ^{Disabilities.} of an infamous crime, deemed by the laws of this State a felony, at any time previous to an election, shall be permitted to vote thereat; unless he shall have been pardoned before or after his term of imprisonment has expired, and restored by pardon to all the rights of a citizen.

§ 3. No person shall be permitted to vote at an election who previous thereto shall have been convicted of bribery or of any infamous crime, unless he shall have been pardoned and restored to all the rights of a citizen, or who shall make any bet or wager, or be directly or indirectly interested in any bet or wager depending upon the result of any election, at which such person may offer to vote. [*Sec. 15, of ch. 240, of 1847.*]

§ 4. Whenever an election shall be held in any city or ^{Privileges.} town, pursuant to this Chapter, no declaration by which a suit

shall be commenced, or any civil process, or proceeding in the nature of civil process, shall be served on any elector entitled to vote in such city or town, on the day on which such election shall be held.

Restrictions. § 5. No court shall be opened, or transact any business, in any city or town on the day such election shall be held therein, unless it be for the purpose of receiving a verdict or discharging a jury, and every adjournment of a court in such city or town, on the day next preceding the day any such election shall be held therein, shall always be to some other day than the day of such election, except such adjournment as may be made after a cause has been committed to a jury. But this section shall not prevent the exercise of the jurisdiction of any single magistrate, when it shall be necessary in criminal cases to preserve the peace, or to arrest offenders. *[as amended by § 2, of same chapter.]*

TITLE II.

Of general and special elections ; the time and purpose of holding them ; and the persons by whom held.

General elections.

“ § 1. General elections are such as are held at the same time in every county, for the election of all or of some of the following officers, namely: Governor, Lieut. Governor, Judges of the Court of Appeals, Justices of the Supreme Court, Clerk for the Court of Appeals, Secretary of State, Comptroller, State Treasurer, Attorney-General, State Engineer and Surveyor, Canal Commissioners, Inspectors of State Prisons, District-Attorneys, County Judge, Senators, Members of Assembly, Sheriffs, Clerks of Counties, Coroners, Representatives in Congress, and Electors of President and Vice President.” *[as amended by § 3, of same chapter.]*

Ibid.

§ 2. The Register and Clerk of the city and county of New-York, shall also be chosen at a general election.

Special elections.

§ 3. Special elections are such as are held only in particular district or county, at a time when no general election is held, for the choice of one or more of the officers proper to be chosen at a general election.

When held.

§ 4. General elections shall be held on the Tuesday succeeding the first Monday of November in every year; special

elections at the times and places of which legal notice shall have been given ; but no special election shall be held within forty days previously to a general election.

§ 5. General and special elections shall be held for one ^{Duration} day only.

§ 6. Special elections shall be held in the following cases: ^{Special elections.}

1. When an officer other than a Governor, Lieutenant-Governor and elector of President and Vice-President, proper to be chosen at a general election, shall not have been chosen by reason of two or more candidates having received an equal number of votes for the same office.

2. When the right of office of a person elected to the office of a Representative in Congress, Senator, Member of the Assembly, Sheriff, or Clerk of any county, or Sheriff, Clerk, or Register of the city and county of New-York, shall cease before commencement of the term of service for which such officer shall have been elected.

3. When a vacancy occurs in the office of any Senator or ^{Vacancies.} Member of Assembly after the last day of December in any year, and before the first day of March following. [*as amended by § 4, of same chapter.*]

4. When in case of an extra session of the Legislature, a ^{Ibid.} vacancy in the office of a Member of the Assembly or Senator shall occur between the first day of April, and ten days before the time appointed for such extra session. [*as amended by § 5, of same chapter.*]

§ 7. When a special election shall not have taken place as ^{Ibid.} required by law, the vacancy which ought to have been supplied by such election shall be supplied at the next general election.

§ 8. All vacancies in any of the offices named in the first and ^{Ibid.} second sections of this title, except Governor, Lieutenant-Governor, Electors of President and Vice-President, Senators, and Members of Assembly, shall be supplied at the general election next succeeding the happening thereof. [*as amended by § 6, of same chapter.*]

§ 9. If a vacancy proper to be supplied at a general elec- ^{Ibid.} tion, shall not have been supplied at a general election next succeeding the happening thereof, a special election to supply such vacancy shall then be held.

Special elections, how ordered.

§ 10. Special elections in the first case provided for in the sixth section of this Title, shall be ordered by the board of canvassers having the power to determine on the election of the officer omitted to be chosen : and in all other cases, such election shall be ordered by the Governor, who shall issue his proclamation therefor.

Proclamation.

§ 11. Such proclamation shall specify the county or district in which such special election is to be held ; the cause of such election ; the name of the officer in whose office the vacancy has occurred ; the time when his term of office will expire ; and the day on which such election is to be held, which shall not be less than twenty nor more than forty days from the date of the proclamation.

Elections, how held.

§ 12. The elections in the several cities and towns shall be by election districts.

TITLE III.

Of the mode of notifying general and special elections.

ART. 1.—Of the notice to be given by the Secretary of State.

ART. 2.—Of the notices to be given by the county and State canvassers.

ART. 3.—Of the notices to be given to town officers ; the formation of election districts, and the appointment of inspectors of election thereof.

ARTICLE FIRST.

Of the notices to be given by the Secretary of State.

Governor and Lieut. Governor's election.

§ 1. The Secretary of State shall once in every two years, between the first day of July and the first day of September, immediately preceding the expiration of the term of office of the Governor and Lieutenant-Governor last chosen, direct and cause to be delivered to the sheriff, clerk, or county judge of each county, a notice in writing, that at the next general election, a Governor, and Lieutenant-Governor are to be elected.

Senators and county officers.

§ 2. The Secretary of State shall, between the first days of July and September in each year, direct and cause to be delivered to the sheriff or clerk or county judge of each county, a notice in writing, specifying all the officers (county officers excepted) specified in the first section of title second of this act, whose term of service shall expire on the last day of December thereafter, and a like notice specifying the several

officers to be chosen in such county at the next general election. [*As amended by § 7, of same chapter.*]

§ 3. If any vacancy shall exist in a county, proper to be ^{Vacancies.} supplied at the ensuing general election, he shall in like manner, between the first day of July and the fifteenth of October previous to such election, direct and cause to be delivered to the sheriff, clerk or county judge of such county, a notice in writing, specifying the cause of such vacancy; the name of the officer in whose office it has occurred, and the time when his term of office will expire; and if any such vacancy shall exist in a district, he shall in like manner direct and cause to be delivered to the sheriff, clerk, or first judge of each county therein, the like notice.

§ 4. When a special election shall have been ordered by ^{Special elec-} the Governor in a county, the Secretary of State shall forth-^{tions.} with cause a copy of the Governor's proclamation to be delivered to the sheriff, clerk, or county judge of such county; and when ordered in a district, to the sheriff, clerk, or county judge of each county therein.

§ 5. The Secretary of State shall cause a copy of each ^{Publications.} notice issued by him, and of such proclamation of the Governor, to be published in the State paper, once in each week, from the date of such notice or proclamation, until the election to which it shall refer.

ARTICLE SECOND.

Of the notices to be given by the county and State canvassers.

§ 6. When a special election shall be necessary, in the ^{Notices,} case of an equality of votes, provided for in the second Ti-^{when and} tle of this Chapter, the board of canvassers, having power to ^{how given.} determine on the election of the officer omitted to be chosen, shall, without delay, direct and cause to be delivered to the sheriff, clerk or county judge of each county in the district, or of the county in which such election is to be held, a notice specifying the officer to be chosen; the time for which he is to be chosen, and the day on which such election is to be held; which day shall not be less than twenty nor more than forty days from the date of such notice.

§ 7. The notice of such an election, if ordered by the ^{How signed.}

board of State canvassers shall be signed by the Secretary of State, and if ordered by the county canvassers, by the chairman and clerk of the board.

ARTICLE THIRD.

Of the elections in cities and towns; of the notices to be given to city and town officers; the formation of election districts, and the appointment of inspectors of election thereof.

Election districts in cities.

§ 8. The several cities of this State shall be divided by the common council of the said cities respectively, into convenient election districts for the holding of all general and special elections, and all elections of the officers of such cities who are elective by the people.

Ward districts.

§ 9. Every ward in the city, containing not more than five hundred voters, shall be an election district; every ward in a city containing more than five hundred voters and not more than eight hundred voters, may, on or before the first Monday of October next, or in any year thereafter, be divided by the common council of such city, if they shall deem expedient, into two districts, to contain, as near as may be, an equal number of voters; and every ward of a city containing more than eight hundred voters, shall, on or before the first Monday of October next, and as often annually thereafter as may be necessary or expedient, be divided by the common council of such city into two or more districts, in such manner as shall be entire within one ward, and shall contain, as near as may be, an equal number of voters; and no district shall contain more than eight hundred voters.

Map of ward districts to be made.

§ 10. Whenever a ward shall be divided into two or more districts, the common council shall immediately publish the same, by making a map or description of such division, defining it by known boundaries, and keeping such map or description open for public inspection in the office of the clerk of such city, and also by posting up copies of such map in at least ten of the most public places in each district of such ward; and the common council shall, also, prior to every election, furnish copies of such map and description to the inspectors of election in each district of such ward.

§ 11. Until inspectors of election shall by law, be chosen and appointed at the charter election of any city, the common council of such city shall, at least ten days before every general election, appoint three inspectors of election for each election district in said city. Inspectors of election.

§ 12. The inspectors so appointed shall be qualified voters and residents in such districts, and shall be inspectors, also, of all special elections held in such city during the ensuing year. Their qualifications.

§ 13. Any two of such inspectors may act, and in case of the death or inability of either of them, the common council may thereafter appoint another in his place. Two may act.

§ 14. The Sheriff, Clerk, or county judge of each county who shall receive a notice of an election, shall, without delay, deliver a copy of such notice to the supervisor or one of the assessors of each town or ward in his county. He shall also cause a copy of such notice to be published in all the public newspapers in his county, once in each week until the election therein specified; if there be none printed in his county, then in some newspaper of an adjoining county. Notice to inspectors.

§ 15. The supervisor, assessors, and town clerk of each town, shall meet at the town clerk's office in such town on the first Tuesday in September next, at ten o'clock in the forenoon, and form themselves into a board. And in case a majority of said officers, for any cause, do not attend on that day, it shall be the duty of those who do attend, to adjourn to some future day, not exceeding five days, and shall immediately thereupon give notice to those officers who do not attend, of the time of such adjournment; and it shall be the duty of all said officers to attend on such adjourned day, and to proceed in the same manner as though a majority had attended on the day appointed by law; and adjournments from time to time may be had by said officers, as occasion may require; but no such adjournments shall extend beyond the first day of October in said year. They shall, in all cases where any town shall contain more than five hundred electors, divide the same into a convenient number of election districts, so that each district shall be in a compact form within their town, and shall contain not more than five hundred electors, as far as the number can Towns, how to be divided into election districts in 1842.

be ascertained. But where any town shall contain less than five hundred electors, the board may, in their discretion, divide the same into districts. They shall make a certificate of such division, under their hands, in which such districts shall be numbered and described by known boundaries, which shall be immediately filed in the office of the town clerk. The town clerk shall, at least two weeks before the day of election, put up copies of the said certificates in at least four public places in each of the said districts, within ten days after such meeting; and he shall deliver a copy thereof to an inspector in each district before the day of election.

In every
succeeding
year.

§ 16. In every succeeding year the same officers shall meet at the town clerk's office on the first Monday of October, at ten o'clock in the forenoon, and form a board. They shall determine whether any alteration in the existing election districts be necessary or expedient, and shall have power to make the same, subject to the same restrictions and limitations contained in the last preceding section; and shall, in like manner, make a certificate of such alterations, exhibiting the districts as altered and their numbers respectively; which certificate shall be filed in the town clerk's office. Such alteration shall not take effect until after the then next general election, except in case of the alteration, erection or division of a town, in which case it shall take effect immediately.

New towns,
how divided.

§ 17. When any new town shall be formed, the supervisor, town clerk and assessors therein, shall meet at the town clerk's office, on or before the first Tuesday in September preceding the first general election to be held in such town, and divide the same into districts as herein prescribed, and the same proceedings, in all respects, shall be had as herein provided in respect to towns now existing.

Places of
holding elec-
tion, how de-
signated.

§ 18. The common council of each city, and the said town officers of each town, on the first Tuesday of September next, and on the first Monday in October in each year thereafter, shall designate the place in each election district in such city or town at which elections shall be held during the year; and they shall thereupon give notice, written or printed, to be posted in at least eight public places in each district, containing a description of such place so designated, and of the

time of opening and closing the poll. The said town officers shall, at their meeting on the first Tuesday of September next, assign at least three of their number to hold the election in each district, and if there be not a sufficient number for that purpose, they shall assign one or more of their number to each district, and shall select from among the justices of the peace, the commissioners of common schools and the commissioners of highways of such town, as many as shall be necessary, in addition to those previously assigned, to constitute at least three inspectors of election for each district; and such inspectors shall be allowed to vote in the district where they shall be respectively assigned. The selections shall be made from the officers aforesaid, in the order herein named, residing in the district to which they shall be assigned, if there be sufficient for the purpose. A certificate specifying the officers thus assigned and selected for each district, shall at the same time be assigned by the board, and filed in the office of the town clerk, who shall immediately cause notice thereof to be given to the officers selected. And in case a majority of said common council in any city, or a majority of said town officers, shall for any cause fail to attend for the purposes aforesaid, on the days above mentioned, the same powers are given in relation to adjournments; and the same duties are required in all particulars as are given in the fifteenth and sixteenth sections of this Title to town officers, except that no adjournments shall extend beyond the fifteenth day of October in each year.

§ 19. The officers thus assigned and selected, shall be inspectors of all general and special elections held in the several districts for which they shall have been appointed, until the annual town meeting in such town in the year one thousand eight hundred and forty-three.

§ 20. In case any of the persons assigned or selected as inspectors shall not be in office at the time appointed for holding any election, their successors shall be such inspectors; and in case of a vacancy in any of the said offices, or of the absence or inability of any officer to act as inspector at any election, by which the number of inspectors for a district shall be reduced below three, the supervisor of the town, or in case of a vacancy in his office, or his absence or inability,

Officers to be
assigned and
selected.

District in-
spectors in
1842.

Vacancies,
how sup-
plied.

the town clerk, shall designate so many of the justices of the peace or commissioners of common schools, or of the commissioners of highways of the town, as shall be necessary to supply such numbers in the order in which they are herein named, who shall be inspectors of such election for such district.

Inspectors to
be annually
elected in
towns and
cities.

§ 21. At each town meeting to be held in the several towns of this State, and at each annual charter election to be held in the several cities of this State, which are not organized into towns, after the first day of January next, the electors of such city or town shall be entitled to vote by ballot, on the same ticket with other town or charter officers, for two electors residing in each election district of such town or city, to be inspectors of election for such city or town; and the two persons in each district receiving the greatest number of votes, shall be two of the inspectors of election for such district at all elections to be held therein the ensuing year. The presiding officers of such town meeting or charter election, shall immediately after the votes of such town meeting or charter election shall be canvassed, appoint by writing, subscribed by a majority of said presiding officers, another inspector of elections for each election district, to be associated with said two inspectors so elected, and who shall thereupon be one of the inspectors of election of such district. Such inspector shall be selected from the two persons in such election district who shall have the highest number of votes next to the two inspectors so elected. And no ballot for inspectors shall be counted upon which more than two names be contained.

Vacancies,
how suppli-
ed.

§ 22. In case any such inspectors in any town shall not be chosen or appointed, as provided for in the preceding section, or any of them shall be absent, or shall have ceased to be a resident of such district, or unable to attend and hold any election in their district, the supervisor, town clerk and justices of the peace in such town, shall meet at such time and place as shall be appointed by the supervisor, or in case of his absence or inability, or a vacancy in his office, by the town clerk, and shall designate and appoint so many electors of such election district, as shall be necessary to supply such vacancy, to be inspectors of election for such district, and

shall file a certificate of such appointment in the office of the town clerk; and the persons thus appointed shall be inspectors of such election for such district. And all vacancies which may exist or occur in the office of inspector of election in any city, shall be filled by the common council of such city.

§ 23. The inspectors assigned, elected, designated or appointed as herein prescribed, shall receive the compensation provided by law for inspectors of elections in towns or wards. Pay of inspectors.

§ 24. Every town or ward that shall not be divided into election districts according to the preceding provisions, shall constitute and be an election district in itself; and all the provisions of this act in relation to election districts, the election or appointment of inspectors of election therein, and their duties and powers, shall apply to such towns or wards and the inspectors of elections therein. Towns or wards not divided.

TITLE IV.

Of the manner of conducting elections.

ART. 1.—Of the formation of the board of inspectors, and the appointment of clerks.

ART. 2.—Of the manner of voting, and of challenges.

ART. 3.—Of the duties of the board of inspectors, and clerks of the poll.

ART. 4.—Of the canvass and estimate of the votes by the board of inspectors.

ARTICLE FIRST.

Of the formation of the Board of Inspectors and the appointment of Clerks.

§ 1. The inspectors of each election district shall meet at the time and place, when and where an election shall have been appointed to be held therein, and shall proceed to organize themselves as a board, for the purpose of presiding at and conducting such election. Board to be formed.

§ 2. The inspectors shall appoint one of their number chairman of the board, who shall administer to the other inspectors the oath of office, as prescribed by the constitution, and the same oath shall then be administered to the chairman by one of the other inspectors. Chairman.

Clerks. § 3. The inspectors or a majority of them, having severally taken such oath, the board shall then appoint two clerks, to be called clerks of the poll.

Oath. § 4. The clerks shall each take the constitutional oath of office, which shall be administered to them by the chairman of the board.

Poll opened. § 5. The poll of each election shall then be opened, and proclamation thereof made, and of the time when the same will be closed.

How long to be kept open. § 6. The poll in the several cities shall be opened at sunrise, and in the several towns at any time between sunrise and nine o'clock in the morning, and shall be kept open till the setting of the sun; and no adjournment or intermission whatever shall take place until the same be closed.

ARTICLE SECOND.

Of the manner of voting, and of challenges.

Ballot. § 7. The electors shall vote by ballot; and each person offering to vote, shall deliver his ballot, so folded as to conceal the contents, to one of the inspectors, in the presence of the board.

Its form and contents. § 8. The ballot shall be a paper ticket, which shall contain written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person, so named is intended by him to be chosen; but no ballot shall contain a greater number of names of persons as designated to any office, than there are persons to be chosen at the election to fill such office.

State. § 9. Except as otherwise provided in the subsequent subdivisions of this section, the ballots shall contain as follows:

1. The names of all the persons voted for by any elector at any election, excepting electors of president and vice president, judges of the court of appeals, justices of the supreme court, county judges, separate officers to perform the duties of the office of surrogate and local officers to discharge the duties of county judge and surrogate, shall be upon one ballot, which ballot shall be endorsed "State," and the names of all the persons voted for by any elector at any election for

judges of the court of appeals, justices of the supreme court, county judges, separate officers to perform the duties of the office of surrogate and local officers to discharge the duties of county judge and surrogate, shall be upon one ballot which ballot shall be endorsed "judiciary."

2. In counties entitled to more than one member of Assembly, the name of the person voted for by any elector for member of Assembly, at any election, shall be upon a separate ballot and endorsed "Assembly."

3. In the city and county of New-York, the names of all persons voted for by any elector for Senator at any election shall be upon a separate ballot and endorsed "Senate."

4. In the city and county of New-York, and in the county of Hamilton, the names of all the persons voted for by any elector for representative in Congress at any election shall be upon a separate ballot and endorsed "Congress." [*as amended by § 9 of same chapter.*]

§ 10. When electors of president and vice president are to Electors. be chosen, a separate ballot shall be given for them, which shall be endorsed "Electors," and shall contain the names of the persons designated by the voter giving the same, to be electors of president and vice-president, or any of them.

§ 11. If at a general election there be one or more vacancies to be supplied in the office of judge of the court of ap- Term of senators designated. peals, justice of the supreme court, canal commissioner, or inspector of State prisons, and at the same election, one is to be elected to the same office for a full term, the term for which the person voted for is intended, shall be designated on the ballot. [*as amended by § 10 of same chapter.*]

§ 12. If at a general election for representatives in Con- Congress designated. gress, any person named in a Congress ballot, shall be intended to supply a vacancy in the office of such representative, the ballots shall designate the Congress for which each person is intended to be chosen.

§ 13. If any person offering to vote at any election shall Challenge. be challenged in relation to his right to vote at that election, by an inspector, or by any other person entitled to vote at the same poll, one of the inspectors shall tender to him the following preliminary oath: "You do swear (or affirm) that Preliminary oath. you will fully and truly answer all such questions as shall be put

to you, touching your place of residence and qualifications as an elector.”

Questions to
persons
challenged.

§ 14. The inspectors or one of them shall then proceed to question the person challenged in relation to his name; his then place of residence; how long he has resided in the town or ward where the vote is offered; what was the last place of his residence before he came into that town or ward, and also as to his citizenship, and whether a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the town or ward for the purpose of voting at that election; how long he contemplates residing in the town or ward; and all such other questions as may tend to test his qualifications as a resident of the town or ward, citizenship and right to vote at that poll.

Vote when
to be reject-
ed

§ 15. If any person shall refuse to take the said preliminary oath when so tendered, or to answer fully any questions which shall be so put to him, his vote shall be rejected.

Qualifica-
tions.

§ 16. After receiving the answers of the persons so challenged, the board of inspectors shall point out to him the qualification if any, in respect to which he shall appear to them deficient.

Oath to be
taken if chal-
lenge is not
withdrawn.

§ 17. If the person so offering shall persist in his claim to vote, and the challenge shall not be withdrawn, one of the inspectors shall then administer to him the following oath :

“ You do swear (or affirm as the case may be,) that you have been a citizen of the United States for ten days, and are now of the age of twenty-one years, that you have been an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county ; that you have been for thirty days next preceding this election a resident of this Assembly district, (or Senate or Congressional district or districts, ward, town, village or city, as the case may be, naming any or all of the foregoing districts, ward, town, village or city from which the officer is to be chosen for whom said person offers to vote ;) that you are now a resident of this town, (or ward as the case may be,) and of the election district in which you now offer to vote, and that you have not made any bet or wager, and are not directly or indirectly interested in any bet or wager depend-

ing upon the result of this election, and that you have not voted at this election.” [*as amended by § 11, of same chapter.*]

“ § 18. If the person so offering to vote be a colored man, ^{Ib. of a colored man.} the following oath shall be tendered to him: ‘ You do swear (or affirm,) that you are of the age of twenty-one years ; that for three years you have been a citizen of this State, that you have been an inhabitant of this State for one year next preceeding this election, and during that time have been, and that you now are, seized and possessed of a freehold estate of the value of two hundred and fifty dollars, over and above all debts and incumbrances charged thereon, and have been actually rated and paid a tax thereon; and that you have been for the last four months a resident of this county ; that you have been for the last thirty days next preceeding this election a resident of this Assembly district, (or Senate or Congressional district or districts, ward, town, village or city, as the case may be, naming any or all of the foregoing districts, ward, town, village or city from which the officer is to be chosen for whom said person offers to vote ;) that you are now a resident of this town, (or ward, as the case may be,) and of the election district in which you now offer to vote, and that you have not made any bet or wager, and are not directly or indirectly interested in any bet or wager depending upon the result of this election, and that you have not voted at this election.’ ” [*as amended by § 12, of same chapter.*]

§ 19. If any person shall refuse to take the oath so tendered, his vote shall be rejected. ^{Vote when to be rejected.}

§ 20. No inspector of election shall at the first election after this act takes effect, if challenged, be required in the oath administered to him, to state that he is a resident of the district in which he offers to vote, if such vote is offered in the district for which he shall be appointed an inspector. ^{Oath of inspector if challenged.}

§ 21. The inspectors of any election in addition to the other questions to be put to any person offering to vote, when challenged, under the act of the Legislature of this State passed April 5, 1842, entitled “ An act respecting Elections other than for Militia and Town Officers,” shall interrogate every such person as to his qualifications to vote under the present Constitution. [*sec. 17, of chap. 240, of 1847.*] ^{Residence}

Minutes re-
specting per-
sons challen-
ged, &c., to
be kept and
filed.

Sec. 22. The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering oaths to persons offering to vote, in which shall be entered, by one of them, the name of every person who shall have taken the oaths prescribed by this act, or either of them, specifying in each case whether the preliminary oath, or the general oath, or both, were taken ; which minute and statement shall be certified by such inspectors, and returned by them to the office at which their return of votes given at such election is made, and at the same time, and shall there be filed. The inspectors shall also direct the clerks of the polls to designate by some appropriate mark, opposite to his name, every person entered on said list, who shall have taken the said oaths, or either of them.

Challenge as
a convict.

§ 23. If the person be challenged as convicted of an infamous crime, he shall not be required to answer any questions in relation to such alleged conviction ; nor shall any proof of such conviction be received, other than a duly authenticated record thereof ; but if any person so convicted shall vote at any such election, unless he shall have been pardoned and restored to all the rights of a citizen, he shall be deemed guilty of a misdemeanor, and on conviction shall be imprisoned in the county jail for the term of six months.

ARTICLE THIRD.

Of the duties of the Board of Inspectors, and Clerks of the Poll.

Ballot boxes.

§ 24. At each annual and special election, the inspectors shall provide and keep a box in which all ballots required to be endorsed "State," as directed in the ninth section of this Title shall be deposited ; also a box in which all ballots which are required by said ninth section to be endorsed "Judiciary," shall be deposited ; also, in the proper counties a box in which all ballots which are required by said ninth section to be endorsed "Assembly," shall be deposited ; also a box in which all ballots which are required by said ninth section to be endorsed "Senate," shall be deposited ; also, a box in which all ballots which are required by said ninth section

to be endorsed "Congress," shall be deposited. [*as amended by § 13, of same chapter.*]

§ 25. When electors of President and Vice-President are to ^{Ballot boxes.} be chosen, or amendments of the Constitution proposed, separate boxes shall in like manner be provided, in which shall be deposited the ballots for such electors, and on such proposed amendments.

§ 26. Each box shall be provided with a sufficient lock, and ^{Ib.} shall be locked before the opening of the poll, and the keys thereof delivered to one of the inspectors, to be appointed by the board, and shall not be opened during the election, except in the manner and for the purposes hereinafter mentioned.

§ 27. An opening shall be made in the lid of each box, ^{Ib.} not larger than shall be sufficient for a single closed ballot to be inserted therein at one time, through which each ballot received, proper to be placed in such box, shall be inserted.

§ 28. When the board shall have finally received the bal- ^{Ballots deposited.} lot of an elector, one of the inspectors, without opening the same, or permitting it to be opened or examined, shall deposit it in the box corresponding in title with the endorsement of the ballot.

§ 29. Each clerk of the poll shall keep a poll list, which ^{Poll lists.} shall contain one column headed "names of voters," and so many additional columns as there are boxes kept at the election. The heading of each additional column shall correspond with the name of one of the boxes so kept.

§ 30. The name of each elector voting shall be entered ^{Ib.} by each clerk in the column of his poll list, headed "names of voters;" and when there shall be more than one box kept, opposite such name shall be written the figure 1, in each remaining column of such poll list, corresponding in its heading with the name of a box in which a ballot of the elector shall have been deposited.

§ 31. It shall be the duty of each inspector to challenge ^{Inspectors to challenge.} every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector.

§ 32. The board of inspectors shall possess full authority ^{To preserve order.} to maintain regularity and order, and to enforce obedience

to their lawful commands, during an election, and during the canvass and estimate of votes, after the closing of the poll; and shall have full authority to preserve peace and good order at and around the polls of the election, and to keep the access thereto open and unobstructed; and may appoint one or more electors to communicate their orders and directions, and to assist in the performance of the duties in this section enjoined.

To preserve
order.

§ 33. If any person shall refuse to obey the lawful command of the inspectors, or by disorderly conduct in their presence or hearing, shall interrupt or disturb their proceedings, they may make an order directing the sheriff, or any constable of the county, to take the person so offending into custody, and detain him until the final canvass of the votes shall be completed; but such order shall not prohibit the person so taken into custody from voting at such election.

Id.

§ 34. Such order shall be executed by any sheriff or constable, to whom the same shall be delivered; or if none shall be present, by any other person deputed by such board in writing.

ARTICLE FOURTH.

Of the Canvass and Estimate of the Votes by the Board of Inspectors.

Canvass
when and
how made.

§ 35. As soon as the poll of an election shall have been finally closed, the inspectors of the said election in their several districts, shall proceed to canvass the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed.

Comparison
of poll lists.

§ 36. The canvass shall commence by a comparison of the poll lists from the commencement, and a correction of any mistakes that may be found therein.

Ballots to be
counted.

§ 37. Each box being opened, the ballots contained therein shall be taken out and counted unopened, except so far as to ascertain that each ballot is single. And if two or more ballots shall be found so folded together as to present the appearance of a single ballot, they shall be destroyed, if the whole number of ballots exceed the whole number of votes, and not otherwise.

§ 38. No ballot properly endorsed, found in a box different from that designated by its endorsement, shall be rejected, but shall be counted in the same manner as if found in the box designated by such endorsement, provided that by the counting of such ballot or ballots, it shall not produce an excess of votes over the number of voters as designated on the poll lists. Ballots to be counted.

§ 39. If the ballots shall be found to exceed in number the whole number of votes on the correspondent columns of the poll lists, they shall be replaced in the box, and one of the inspectors shall, without seeing the same, publicly draw out and destroy so many ballots unopened, as shall be equal to such excess. Excess to be destroyed.

§ 40. The board shall then proceed to canvass and estimate the votes. Estimate of votes.

§ 41. If after having opened or canvassed the ballots, it should be found that the whole number of them exceeds the whole number of voters entered on the poll lists, the inspectors shall return all the ballots into the box, and shall thoroughly mingle the same; and one of the inspectors to be designated by the board, shall publicly draw out of such box, without seeing the ballots contained therein, so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed. Excess to be destroyed.

§ 42. The canvass shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the names of persons thereon and the offices for which they are designated, have been received: and the result being found, the inspector shall securely attach to a statement of such canvass one ballot of each kind found to have been given for the officers to be chosen at such election, any or either of them, except those given for electors of president and vice-president; and they shall state in words at full length immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be attached, the whole number of all the ballots that were received which correspond with the one so attached, so that one of each kind of the ballots received at such election for the officers then to be chosen, shall be attached to such paper, with a statement of such canvass. They shall also attach to such paper, the original bal- Statement of result to be made.

lots rejected by them as being defective, which were given at such election.

Canvass and statement of votes for president and vice-president.

§ 43. When electors of president and vice-president shall be chosen at any election, the inspectors shall make a separate canvass and statement of votes given for electors, in the manner prescribed in the last preceding section, by ascertaining how many ballots of the same kind, corresponding in respect to the names thereon, have been received; and the result being found, the inspectors shall securely attach to paper one original ballot of each kind found to have been given for electors, and shall state, in words at full length opposite such ballot, and written partly thereon, and partly on the paper to which it shall be attached, the whole number of ballots for electors, that were found to have been received, corresponding with the one so attached. They shall also attach to such paper all original ballots for electors, rejected by them as being defective.

Form of statement.

§ 44. The statements to be made by the inspectors shall contain a caption, stating the day on which, and the number of the district, the town or ward, and the county at which the election was held, in relation to which such statement shall be made; it shall also contain a statement showing the whole number of ballots taken for each person, designating the office for which they are given, which statement shall be written in words at length; and at the end thereof, a certificate that such statement is correct in all respects; which certificate shall be subscribed by the inspectors.

Copy to be filed.

§ 45. A true copy of the several statements made by the inspectors, shall be made and certified by them, and immediately filed by them, in the office of the clerk of the town or city.

Poll lists to be filed.

§ 46. The poll lists kept at such election shall be filed by the inspectors, or one of them, in the office of the clerk of the town or city in which such election was held, and shall be there preserved.

Ballots to be destroyed.

§ 47. The remaining ballots not so pasted or attached, shall be destroyed, and the board of inspectors shall be dissolved.

§ 48. The original statements, duly certified, shall be delivered by the inspectors, or by one of them to be deputed for that purpose, to the supervisor of the town or ward, within twenty-four hours after the same shall have been subscribed. If there be no supervisor, or he shall be disabled from attending the board of county canvassers, such original statement shall be delivered to one of the assessors of the town or ward in which such election was held.

Original
statements to
be delivered
to supervi-
sors.

TITLE V.

Of the final canvass, and the mode of declaring and certifying the result.

ART. 1.—Of the board of county canvassers, and their proceedings.

ART. 2.—Of the duties and proceedings of the county clerk.

ART. 3.—Of the duties of the Secretary of State, previous to the meeting of the state canvassers.

ART. 4.—Of the formation and proceedings of the board of state canvassers.

ART. 5.—Of the subsequent duties of the Secretary of State.

ARTICLE FIRST.

[Of the Board of County Canvassers, and their proceedings.]

§ 1. The supervisors or assessors, to whom the original statements of the canvass of votes in the towns or wards, to which they respectively belong, shall have been delivered, shall form the county board of canvassers.

Board how
composed.

§ 2. They shall meet at the office of the clerk of the county, on the Tuesday next following the election, before one o'clock in the afternoon of that day, in all the counties of this State except the county of Hamilton, which shall meet on the first Friday next following said election, and shall choose one of their number as chairman. *[amended by § 1, of chap. 331, of 1844.]*

Where and
when to
meet.

§ 3. The clerk of the county, or in his absence his deputy, shall be secretary of the board.

§ 4. The chairman shall then administer the constitutional oath to each member of the board, and the same oath shall be administered to him by the secretary.

§ 5. The major part of the supervisors or assessors to whom the original statements of the canvass in the several

Quorum.

districts in their towns or wards shall have been delivered, shall be a sufficient number to constitute a board.

Estimate of
votes to be
made.

§ 6. The original statements of the canvass in each district shall then be produced, and from them the board shall proceed to estimate the votes of the county, and shall make such statements thereof as the nature of the election shall require; such statements shall then be delivered to and deposited with the county clerk.

Separate
statements
to be made.

§ 7. They shall make a separate statement containing the whole number of votes given in such county for the office of governor, lieutenant governor, judge of the court of appeals, justice of the supreme court, clerk of the court of appeals, secretary of state, comptroller, treasurer, attorney-general, state engineer and surveyor, canal commissioner, inspector of state prisons, senator in each district, and representative in congress in each district, or any or either of them; the names of the persons for whom such votes were given, and the number of votes given for each; another, of the votes given for all county officers, any or either of them; another, of the votes given for member of assembly, in each assembly district; and another of the votes for electors of president and vice president; and another, of the votes given for any proposed amendment to the Constitution. [*as amended by § 14 of chapter 240 of 1847.*]

No. of votes
and names
written at
length.

§ 8. In such statements, the whole number of votes given in each town and district, the names of the candidates, and the number of votes given to each, shall be written out in words at full length.

How certi-
fied.

§ 9. Each statement shall be certified as correct, and attested by the signatures of the chairman and secretary of the board; and a copy of each, thus certified and attested, shall be delivered to the county clerk, to be recorded in his office.

Members of
assembly
and county
officers.

§ 10. Upon the statement of votes given for members of Assembly and county officers, the board shall proceed to determine what person or persons have, by the greatest number of votes, been duly elected to each of the offices mentioned in each statement.

Copy to be
published.

§ 11. The board shall cause a copy of every such determination, and of the statement upon which it shall be made, to

be published in one or more of the newspapers printed in the county.

§ 12. If any one of the supervisors or assessors appointed to attend the county canvass, shall be unable to attend the meeting of the board on the day appointed for such meeting, he shall, on or before that day, cause to be delivered at the office of the county clerk, the original statement of the votes of his town or ward.

If an inspector cannot attend at board.

§ 13. If on that day a majority of the county canvassers shall not attend, or the statements of the votes from every district in the county shall not be produced, the canvassers then present, shall adjourn to some convenient hour of the next day.

Duty of those who attend.

§ 14. At that hour they shall again meet, and the canvassers then attending, although less than a majority of the whole, shall organize themselves as a board, and upon the statements, or certified copies thereof, then produced, shall proceed to estimate, state and certify the votes of the county, in the manner before directed.

Ibid.

§ 15. If upon proceeding to canvass the votes, it shall clearly appear to the canvassers that in any statement produced to them, certain matters are omitted in such statement, which should have been inserted, or that any mistakes which are clerical merely exist, they shall cause the said statement to be sent by one of their number, (who they shall depute for that purpose,) to the town or ward inspectors, and town or ward canvassers of the town or ward from whom they were received, to have the same corrected; and the said canvasser so deputed shall immediately proceed and give notice to the said town or ward inspectors and canvassers, whose duty it shall be forthwith to assemble together and make such correction as the facts of the case require; but such town or ward inspectors and canvassers shall not at such meeting change or alter any decision before made by them, but shall only cause their canvass to be correctly stated; and the board of county canvassers are authorised to adjourn from day to day, for the purpose of obtaining and receiving such statement, such adjournment not to extend beyond three days.

Statements containing omissions, &c., may be returned to be corrected.

ARTICLE SECOND.

Of the duties and proceedings of the county clerk.

Clerk to
deliver
statements.

§ 16. The county clerk shall deliver to the board of county canvassers, all the certified statements of the votes taken in each town or ward at the next preceding election that shall have been received at his office.

To procure
those not re-
ceived by
him.

§ 17. If on the day appointed for the meeting of the board of county canvassers, the board shall not have been organized, owing to a deficient return of the votes of the county; the county clerk shall by a special messenger, or otherwise obtain necessary statements or certified copies thereof, in time to be produced to the board at their next meeting.

To record
statements.

§ 18. The county clerk shall record in his office all the statements and certificates, that shall have been delivered to him by the county board of canvassers, and shall keep a proper book for that purpose.

To prepare
three copies

§ 19. Of the statement and certificate of the votes for the office of Governor, Lieutenant Governor, Judges of the Court of Appeals, Justices of the Supreme Court, Clerk for the Court of Appeals, Secretary of State, Comptroller, Treasurer of the State, Attorney-General, State Engineer and Surveyor, Canal Commissioners, Inspectors of State Prisons, Senators and Representatives in Congress, or either of them, he shall prepare three certified copies under his signature, and sealed with his seal of office." [as amended by § 18 of same chapter.]

To transmit
the same to
Governor,
Secretary
and Comptroller.

§ 20. Within five days after the adjournment of the board of county canvassers, the county clerk shall deposite in the nearest post office, directed to the Governor, to the Secretary of State and to the Comptroller, each, one of the certified copies of the statement and certificates of votes, so prepared by him.

To deliver
copy of cer-
tificate to
county offi-
cers-

§ 21. He shall prepare as many certified copies of each certificate of the determination of the board of county canvassers, as there are persons declared to be elected in such certificate, and shall, without delay, deliver one of such copies to each person so elected.

List to be
sent to Sec-
retary of
State.

§ 22. He shall transmit to the Secretary of State, within twenty days after a general election, and within ten days after a special election, a list of the names of the persons

elected in the county as members of Assembly, and also a list of the names of all persons elected to any county office at such election, with the places of their residence respectively.

ARTICLE THIRD.

Of the duties of the Secretary of State previous to the meeting of the State Canvassers.

§ 23. It shall be the duty of the Secretary of State to file in his office, the certified statements received by him from a county clerk; and to obtain from the Governor and Comptroller, every such certified statement received by either of them, and to file the same in his office. Certified statements to be filed by Secretary.

§ 24. If from any county from which such statement shall be due, none shall have been received or obtained by him, on or before the last day of November next after a general election, and within twenty days after a special election, he shall despatch a special messenger to obtain such statement from the clerk of such county. To send special messengers to county clerks.

§ 25. Such clerk shall immediately, on the demand of such messenger, made at his office, make out and deliver to such messenger the statements required. Duty of clerks.

§ 26. The messenger shall deliver to the Secretary of State, as soon as may be, all such statements as he shall receive, to be filed and recorded as aforesaid. Duty of messengers.

§ 27. The Secretary of State shall appoint a meeting of the State Canvassers to be held at his office; or that of the Treasurer or Comptroller, on or before the fifteenth day of December after each general election, and within forty days after a special election. Secretary to notify state canvassers.

§ 28. If a majority of those officers shall be unable or shall fail to attend on the day appointed, he shall give notice to the mayor and recorder of the city of Albany, that their attendance is required.

ARTICLE FOURTH.

Of the formation and proceedings of the board of State Canvassers.

§ 29. The Secretary of State, Comptroller, Surveyor-General, Attorney-General and Treasurer, shall be the State Can- Board how composed.

vassers; three of whom shall be a sufficient number to form a board. After the present year the State Engineer and Surveyor shall be one of the State Canvassers, in the place of the Surveyor-General. [*as amended by § 19 of same chapter.*]

nb. § 30. If a majority of those officers shall be unable, or shall fail to attend the mayor and recorder of the city of Albany, being notified by the Secretary of State, shall attend without delay, and, with the officers attending shall form the board.

How to proceed. § 31. The board when thus formed shall, upon the certified copies of the statements made by the boards of county canvassers, proceed to make a statement of the whole number of votes given at such election for the office of Governor and Lieutenant Governor, or either of them; another statement of the votes given for the office of Senator; and another, of the votes given for Representative in Congress; another of the votes for Judges of the Court of Appeals; another, of the votes for Justices of the Supreme Court; another, of the votes for the Clerk for the Court of Appeals; another of the votes for Secretary of State; another, of the votes for Comptroller; another of the votes for State Treasurer; another, of the votes for Attorney-General; another, of the votes for State Engineer and Surveyor; another of the votes for Canal Commissioners; and another of the votes for Inspectors of State Prisons; each of which statements shall show the names of the persons to whom such votes shall have been given for either of the said offices, and the whole number of votes given to each; distinguishing the several districts and counties in which they were given. They shall certify such statements to be correct, and subscribe the same with their proper names. [*as amended by § 20 same chapter.*]

To determine and declare persons elected. § 32. Upon such statements they shall then proceed to determine and declare what persons have been by the greatest number of votes, duly elected to such offices, or either of them.

To subscribe certificates. § 33. They shall make and subscribe on the proper statement, a certificate of such determination, and shall deliver the same to the Secretary of State.

Dissents. § 34. If any one of the canvassers shall dissent from a decision of the board, he shall state at large, in writing, the reasons of such dissent.

§ 35. If any of the acts or proceedings of the board shall ^{Protests.} appear to any one of the canvassers to be illegal or irregular, such canvasser shall protest against the same in writing, setting forth distinctly the grounds of his protest.

§ 36. The canvasser so dissenting or protesting, shall deliver his dissent or protest, signed with his proper name, to the Secretary of State, who shall file the same in his office.

§ 37. The board shall have power to adjourn from day to ^{Adjournment.} day, for a term not exceeding five days.

ARTICLE FIFTH.

Of the subsequent duties of the Secretary of State.

§ 38. He shall record in his office, in a book to be kept ^{To record proceedings of state canvassers.} by him for that purpose, each certified statement and determination, which shall be delivered to him by the board of State canvassers, and every dissent or protest that shall have been delivered to him by a canvasser.

§ 39. He shall, without delay, transmit a copy, under the seal of his office, of such certified determination to each person ^{To transmit copy to each person elected.} thereby declared to be elected, and a like copy to the Governor.

§ 40. He shall cause a copy of such certified statements ^{To publish copy.} and determinations to be printed in one or more of the public newspapers in each Senate district, if any shall be published therein. [*as amended by § 21 of the same chapter.*]

§ 41. He shall prepare a general certificate under the seal ^{General certificate of members of congress.} of this State, and attested by him as secretary thereof, addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of the due election of the persons so chosen at each election, as representatives of this State in congress; and shall transmit the same to the said house of representatives, at their first meeting.

§ 42. If either of the persons so chosen at such election ^{Of members to supply vacancies.} shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the Secretary, in the statements and certificates to be prepared by him.

To record
names of
county offi-
cers elected.

§ 43. The Secretary of State shall enter in a book to be kept in his office, the names of the respective county officers elected in this State, specifying the counties for which they were severally elected and their place of residence, the office to which they were respectively elected, and their term of office.

TITLE VI.

Of the election of Representatives in Congress, Electors of President and Vice-President, and Senators in Congress.

ART. 1.—Of the election of representatives in congress.

ART. 2.—Of the election of electors of President and Vice-President.

ART. 3.—Of the formation and proceedings of the college of electors.

ART. 4.—Of the election of senators in congress.

ARTICLE FIRST.

Of the election of Representatives in Congress.

When cho-
sen.

§ 1. Representatives in the house of representatives of the congress of the United States shall be chosen in the several congress districts, at the general elections held therein, in every second year, after the year one thousand eight hundred and twenty-six.

Resignation
or death.

§ 2. If a representative in congress shall resign, he shall forthwith transmit a notice of his resignation to the Secretary of State; and if a vacancy shall occur by death or otherwise in the office of representative in congress, the clerk of the county in which such representative shall have resided at the time of his election, shall, without delay, transmit a notice of such vacancy to the Secretary of State.

ARTICLE SECOND.

Of the election of Electors of President and Vice-President.

Election by
general
ticket.

§ 3. At the general election in November, preceding the time fixed by the law of the United States for the choice of President and Vice-President of the United States, there shall be elected, by general ticket, as many electors of President and Vice-President as this State shall be entitled to appoint; and each elector in this State shall have a right to vote for the whole number; and the several persons to the

number required to be chosen, having the highest number of votes, shall be declared and deemed duly appointed electors.

§ 4. The county clerk of each county shall make three Duty of county clerks. certified copies of the statement of votes given for electors in his county immediately after recording the same, and forthwith transmit, by mail, one of such certified copies to the Governor, another to the Secretary of State, and deliver the other as hereinafter directed.

§ 5. One of the certified copies of such statement of votes Id. given in each of the several counties herein named, shall be delivered by the clerks of such counties respectively, as herein directed, on the day next succeeding that on which the canvass shall have been made, to wit: Those of the counties of Niagara, Wyoming and Orleans, to the clerk of Genesee; those of the counties of Livingston, Monroe, Wayne and Yates, to the clerk of Ontario; that of the county of Seneca, to the clerk of Cayuga; those of the counties of Cortland and Oswego, to the clerk of Onondaga; that of the county of Madison, to the clerk of Oneida; those of the counties of Montgomery, Fulton and Saratoga, to the clerk of Schenectady; that of Chenango, to the clerk of Broome; those of the counties of Rockland, Orange, Ulster and Sullivan, to the clerk of Greene; that of the county of Richmond, to the clerk of New-York; and those of the counties of Otsego, Schoharie, Rensselaer and Albany to the Secretary of State.

§ 6. The clerks of the several counties of Franklin, St. Messengers. Lawrence, Chautauque, Cattaraugus, Tompkins and Suffolk, immediately after recording the electoral votes received by them, shall appoint a messenger to receive and carry the certified copies of the statements of votes given for electors as herein directed; which appointment shall be made by the said clerks, under their seal of office.

§ 7. Each clerk of a county having received the certified To receive copy from county clerks. copies of the statements of the electoral votes given in any other county, shall deliver the same to the messenger authorized to receive the certified statements of the electoral votes given in his county, and shall deliver the said last mentioned statements to the messenger authorized to receive the same when demanded.

Messenger
in St. Law-
rence co.

§ 8. The messenger appointed in the county of St. Lawrence, shall immediately after his appointment, receive the certified statements of the electoral votes of said county, and forthwith proceed to the offices of the clerks of the counties of Jefferson and Lewis, and receive the certified statements of the electoral votes of those counties; and within three days after his appointment, deliver the copies by him received, to the clerk of Oneida county.

In Cattaraugus
county.

§ 9. The messenger appointed in the county of Cattaraugus, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed to the clerk's offices of the counties of Allegany and Steuben, and receive the certified statements of the electoral votes of those counties; and within fifty-six hours after his appointment, deliver the certified statements by him received to the clerk of Ontario county.

In Chautauque
county.

§ 10. The messenger appointed in the county of Chautauque, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Erie, Genesee, Ontario, Cayuga, Onondaga, Oneida, Herkimer and Schenectady, and receive from the several clerks the certified statements of electoral votes in those counties respectively; and such others as shall have been delivered to such clerks, as herein provided, and deliver the same to the Secretary of State.

In Franklin
county.

§ 11. The messenger appointed in the county of Franklin, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Clinton, Essex, Warren and Washington, and receive from the several clerks the certified statements of electoral votes in those counties respectively, and deliver the same to the Secretary of State.

In Tompkins
county.

§ 12. The messenger appointed in the county of Tompkins, shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Chemung, Tioga, Broome, Delaware and Greene, and receive from the several clerks the certified

statements of electoral votes in those counties respectively, and such others as shall have been delivered to such clerks, as herein provided, and deliver the same to the Secretary of State.

§ 13. The messenger appointed in the county of Suffolk,^{In Suffolk county.} shall, immediately after his appointment, receive the certified statements of the electoral votes of that county, and forthwith proceed with all reasonable diligence, to the offices of the clerks of the counties of Queens, Kings, New-York, Westchester, Putnam, Dutchess and Columbia, and receive from the several clerks the certified statements of electoral votes in those counties respectively, and such others as shall have been delivered to such clerks, as herein provided, and deliver the same to the Secretary of State.

§ 14. The board of State canvassers shall meet at the office of the Secretary of State, on the Wednesday next after the third^{Duty of state canvassers} Monday of November after every such election, or sooner, if all the certified copies of the statements of the county canvassers shall have been received from all the counties, to canvass the votes given for the electors of president and vice president; and in case all the certified statements shall not have been received on that day, the board may adjourn from day to day until the same shall have been received, not exceeding five days; and if at the expiration of four days, certified copies of the statements of the county canvassers shall not have been received from any county, the board shall proceed to canvass upon such of the said statements as shall have been received.

§ 15. The board of State canvassers shall proceed in making a statement of all the votes, and determining and certifying the persons elected, in the manner prescribed by law in relation to the election of State officers.^{Statement of votes.}

§ 16. The Secretary of State, shall, without delay, cause a copy, under the seal of his office, of the certified determination of the board of State canvassers, to be delivered to each of the persons therein declared to be elected; and for that purpose he may employ such and so many messengers as he shall deem necessary.^{Duty of Secretary of State}

§ 17. The determination and certificate of the board of State canvassers in relation to the choice of electors shall be pub-^{Publication.}

lished in the same manner as provided by law in relation to the certificates of the election of State officers.

Penalty for
destroying
certificate,
&c.

§ 18. If any of the messengers shall be guilty of destroying the certificates entrusted to their care, or wilfully doing any act that shall defeat the due delivery of them as directed by this act, he shall be punished by imprisonment in the State prison, at hard labor, for a term not less than three nor exceeding five years; and if any person shall be found guilty of taking away from any of the said messengers, either by force or in any other manner, any such certificates entrusted to his care, or of wilfully doing any act that shall defeat the due delivery thereof, as directed by this act, he shall be punished by imprisonment in the State prison at hard labor, for not less than two nor exceeding four years.

For wilful
neglect or
corrupt con-
duct.

§ 19. If any officer or messenger, on whom any duty is enjoined in this act, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine not exceeding five hundred dollars, or imprisonment not exceeding one year.

Pay of mes-
sengers.

§ 20. The messengers employed or appointed under this act, shall receive for their compensation twelve cents per mile for travelling, to be audited by the Comptroller upon the certificate of the Secretary of State.

ARTICLE THIRD.

Of the Formation and Proceedings of the Colleges of Electors.

Meeting and
duty of elec-
tors.

§ 21. The electors of president and vice-president shall convene at the capitol on the day preceding the first Wednesday in December after their election; and those of them who shall be so assembled at four o'clock in the afternoon of that day, shall immediately after that hour proceed to fill, by ballot and by plurality of votes, all vacancies in the electoral college, occasioned by the death, refusal to serve, or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates.

§ 22. The electoral college being thus completed, they shall then choose a president and secretary from their own body. ^{President and secretary.}

§ 23. The Secretary of State shall prepare three lists of the names of the electors; procure to the same the signature of the Governor; affix thereto the seal of the state; and deliver them, thus signed and sealed, to the president of the college of electors, on or before the said first Wednesday in December. ^{List of electors.}

§ 24. On the said first Wednesday in December, the electors shall meet at the capitol, and then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves. They shall name in their ballots the persons voted for as president, and in distinct ballots the persons voted for as vice-president. ^{When and how to vote.}

§ 25. They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the Secretary of State, they shall seal up the same, certifying thereon that lists of the votes of this state for president and vice-president are contained therein. ^{List of votes.}

§ 26. The electors shall then, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and to deliver the same to the president of the senate at the seat of government of the United States, before the first Wednesday in January then next ensuing. ^{Messenger.}

§ 27. In case there shall be no president of the senate at the seat of government on the arrival of the person entrusted with the lists of the votes of the electors, then such person is required to deliver the lists of votes in his custody, into the office of the secretary of state of the United States. ^{His duty.}

§ 28. The electors are also required to forward forthwith, by the post office, to the President of the senate of the United States, at the seat of government, and to deliver forthwith to the judge of the United States for the northern district of the State of New-York, similar lists, signed, annexed, sealed up, and certified in the manner aforesaid. ^{Two other lists.}

Pay of electors.

§ 29. Every elector of this State for the election of a president and vice-president of the United States, who shall attend at any election of those officers, and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, and for travelling to and from his place of residence by the most usual route, the same sum as shall at the time be allowed by law to members of the legislature for their attendance and travel, to be paid in like manner.

ARTICLE FOURTH.

Of the Election of Senators in Congress.

When chosen.

§ 30. On the first Tuesday of February next, before the expiration of the time for which any senator was elected to represent this State in congress, if the legislature shall be then in session, and if not, then within ten days after a quorum of both houses shall be assembled at the then next meeting of the legislature, an election shall be held for a senator in congress, at the place where the legislature shall be then sitting, in the room of such senator so going out of office.

Vacancy.

§ 31. Whenever the seat of any such senator shall become vacant before the expiration of the time for which he was elected, another senator shall be elected in his room within ten days after the legislature shall have notice of such vacancy, at the place where it shall be then sitting.

How chosen.

§ 32. Such election shall be made by the legislature in the following manner: the senate and assembly shall each openly nominate one person for the office of senator in congress; after which they shall immediately meet, and if they shall agree in their nominations, the person so nominated shall be appointed to the office for which he shall be nominated; if they shall disagree, the election shall be made by the joint ballot of the senators and members of assembly.

Evidence of election.

§ 33. Whenever any senator shall be chosen as aforesaid, copies of the resolutions of the senate and assembly, testifying such choice, signed by the president of the senate and speaker of the assembly, shall be thereupon delivered to the person so chosen a senator, as evidence of such election.

TITLE VII.

Penalty for violating the Provisions of this Chapter, and for misconduct at Elections.

§ 1. If any elector challenged as unqualified, shall be guilty of wilful and corrupt false swearing or affirming, in taking any oath or affirmation prescribed by this Chapter, such person shall be adjudged guilty of wilful and corrupt perjury. ^{False swearing}

§ 2. Every person who shall wilfully and corruptly procure any person to swear or affirm falsely as aforesaid, shall be adjudged guilty of subornation of perjury ; and shall upon conviction thereof, suffer the punishment directed by the law in cases of wilful and corrupt perjury. ^{Procuring it.}

§ 3. If any officer on whom any duty is enjoined in this Chapter, or in any statute relating to elections, shall be guilty of any wilful neglect of such duty, or of any corrupt conduct in the execution of the same, and be thereof convicted, he shall be deemed guilty of a misdemeanor, punishable by fine or imprisonment ; the fine in no case to exceed the sum of five hundred dollars, nor the imprisonment the term of one year. ^{Neglect of duty.}

§ 4. In case any inspector of election shall knowingly and wilfully permit or suffer any person to vote at any election, who is not entitled to vote thereat, the said inspector so offending shall on conviction thereof, be adjudged guilty of a misdemeanor, and shall be sentenced to pay a fine of five hundred dollars and be imprisoned in the county jail for six months. [*section 16 of chap. 240 of laws of 1847.*]

§ 5. [Sec. 4.] If any person shall, by bribery, menace, or other corrupt means or device whatsoever, either directly or indirectly, attempt to influence any elector of this State in giving his vote or ballot, or deter him from giving the same, or disturb or hinder him in the free exercise of the right of suffrage, at any election within this State, held pursuant to this Chapter, and shall thereof be convicted, such person so offending and convicted, shall be adjudged guilty of a misdemeanor, and be fined or imprisoned, according to the discretion of the court before which such conviction shall be had ; such fine in no case to exceed five hundred dollars, nor such imprisonment one year. ^{Bribery, &c.}

Calling out
militia prohi-
bited.

§ 6. [Sec. 5.] If any officer or other person shall call out or order any of the militia of this State, to appear and exercise on any day during any election to be held by virtue of this Chapter, or within five days previous thereto, except in cases of invasion or insurrection, he shall forfeit the sum of five hundred dollars for every such offence.

Prohibition.

§ 7. [Sec. 6.] It shall not be lawful for any candidate for any elective office, with intent to promote his election, or for any other person, with intent to promote the election of any such candidate, either,

Against en-
tertainments.

1. To provide or furnish entertainment at his expense, to any meeting of electors, previous to, or during the election at which he shall be a candidate ; or,

Re.

2. To pay for, procure, or engage to pay for any such entertainment : or,

Procuring of
voters.

3. To furnish any money or other property to any person, for the purpose of being expended in procuring the attendance of voters at the polls : or,

Contributing
money.

4. To engage to pay any money, or deliver any property, or otherwise compensate any person for procuring the attendance of voters to the polls : or,

Except for
printing, &c.

5. To contribute money for any other purpose intended to promote an election of any particular person or ticket, except for defraying the expenses of printing, and the circulation of votes, handbills and other papers previous to any such election, or for conveying sick, poor or infirm electors to the polls.

Changing
votes.

§ 8. [Sec. 7.] No person shall fraudulently or deceitfully change or alter a ballot of any elector, nor shall furnish an elector any ballot containing more than the proper number of names, or cause any other deceit to be practiced with intent fraudulently to induce such elector to deposit the same as his vote, and thereby to have the same thrown out and not counted.

Punishment.

§ 9. [Sec. 8.] Every person offending against the provisions of this act shall be deemed guilty of a misdemeanor, punishable by fine not exceeding two hundred and fifty dollars, or by imprisonment not exceeding six months.

*Penalty for
disobeying
inspectors,
&c.

§ 10. [Sec. 9.] If any person shall wilfully disobey any lawful commands of the board of inspectors of any election,

or shall wilfully and without lawful authority, obstruct, hinder or delay any elector on his way to any poll where an election shall be held, or while he is exercising or attempting to exercise the right of voting, or shall aid or assist in such obstruction or delay, he shall, on conviction, be adjudged guilty of a misdemeanor, and be fined in a sum not exceeding two hundred and fifty dollars, and may be imprisoned in the discretion of the court, for not more than six months.

§ 11. [Sec. 10.] Any person who at any general or special election, or city or charter election, shall knowingly vote or offer to vote in any election district in which he does not reside, except as herein before provided, or who shall vote or offer to vote more than once at the same election, either in the same or in any other election district, shall, on conviction, be adjudged guilty of a misdemeanor, and punishable by fine not exceeding two hundred dollars, or by imprisonment not exceeding six months, or by both, as the court may direct; and section nineteen of Title six, Chapter one, of the fourth Part of the Revised Statutes is hereby repealed.

Penalty for non residents voting, and for voting more than once.

§ 12. [Sec. 11.] Every person who shall procure, aid, assist, counsel or advise another to give or offer his vote at any general, town, city or charter election, knowing that the person is not duly qualified to vote at the place where the vote is given or offered, shall on conviction, be adjudged guilty of a misdemeanor, and punishable as prescribed in the last preceding section of this Title.

Procuring illegal voters.

§ 13. [Sec. 12.] Every person who shall procure, aid assist, counsel or advise another to go or come into any town, ward or election district, for the purpose of giving his vote at any general, special, town or city election, knowing that the person is not duly qualified to vote in such town, or ward, or election district, shall, on conviction, be deemed guilty of a misdemeanor, and punishable as prescribed by the tenth section of this Title.

Procuring non residents to come into a town, ward or district to vote.

§ 14. [Sec. 13.] Any person not duly qualified to vote under the laws of this State, who shall knowingly vote or offer to vote at any general or special town or charter election in this State, shall be adjudged guilty of a misdemeanor, and on conviction shall be imprisoned for a period not exceeding six months, at the discretion of the court before which the

Punishment.

An inhabitant of another state or country.

offence is tried. And any inhabitant of another state, or country, who shall vote or offer to vote at any general, special, town or city charter election in this State, shall be adjudged guilty of a felony, and on conviction, shall be imprisoned in the State prison, for a period not exceeding one year, at the discretion of the court before which the offence is tried. And it shall be the duty of the district attorney in the county where the offence shall have been committed, to adopt effectual measures for the punishment of all persons, who, without being legally qualified, shall vote or attempt to vote at any election in this State.

Inspectors of election, &c., to give notice of offences under this act.

§ 15. [Sec. 14.] It shall be the duty of every inspector of elections, sheriffs, constables and justices of the peace within this State, knowing that an offence has been committed, under this act, or having good reason to believe that an offence has been committed, to give information thereof to the district attorney of the county in which the offence shall have been committed, whose duty it shall be to adopt effectual measures for the punishment of all persons violating the provisions of this act.

Grand juries to be specially charged.

§ 16. [Sec. 15.] It shall be the duty of the presiding judge of every court of general sessions of the peace or oyer and terminer within this State, specially to charge the grand jury at each term of said court, to take notice of all offences committed in violation of any of the provisions of this act.

TITLE VIII.

Miscellaneous provisions.

Hamilton county.

§ 1. The county of Hamilton and the county of Fulton shall jointly elect one member of Assembly; and for all the purposes of this act, the county of Hamilton shall be deemed part of the county of Fulton.

Inspectors.

§ 2. It shall be lawful for a majority of the inspectors of any election, held in pursuance of this Chapter, to execute all the trusts and duties required to be executed by the inspectors of any such election.

Ib.

§ 3. If a majority shall not be present on any day on which an election is held, the inspectors or inspector attend-

ing, shall appoint so many electors of the town, ward or district, to act as inspectors, as may be necessary to form a board.

§ 4. The persons so appointed shall take the constitutional^{Ib.} oath, and continue to act until a majority of the inspectors shall attend.

§ 5. No notice of an election, nor copy of the Governor's^{Notices to clerk and first judge.} proclamation shall in any case be directed to the clerk of a county, unless the office of sheriff of such county shall then be vacant, nor to the first judge unless the office of sheriff and clerk shall both be vacant.

§ 6. The accounts of the respective clerks of counties for^{Accounts.} services performed, and expenses incurred by virtue of this Chapter, shall be audited, levied and paid in like manner as other contingent charges of such counties.

§ 7. The clerks of the polls, shall severally be allowed one^{Pay of clerks of the poll.} dollar and twenty-five cents per day for their services under this act.

§ 8. Chapter six of the first Part of the Revised Statutes; ^{Repeal.} the act entitled "An act directing the manner of choosing electors of President and Vice-President," passed April 15, 1829; the act entitled "An act to preserve the purity of elections," passed May 5, 1829; and the eleventh, twelfth, thirteenth, fourteenth and seventeenth sections of the act entitled "An act to preserve the purity of elections," passed May 7, 1839; "An act concerning elections in cities other than New-York," passed May 26, 1841, and all other acts, and parts of acts inconsistent with the provisions of this act are hereby repealed; but such repeal shall not affect any act done or right accrued, or any proceeding, suit or prosecution for any offence, or for the recovery of any penalty or forfeiture.

§ 9. Sections seven, eight, nine and ten, of the act entitled "An act to preserve the purity of elections," passed May 7, 1839, shall be deemed applicable to elections for town officers only.^{Sections applicable.}

§ 10. The Secretary of State shall cause this act to be published in pamphlet form, and he shall cause such number of copies thereof, with the necessary forms and instructions as shall be sufficient to supply the several officers upon whom^{This act to be published in pamphlet form.}

the duty is involved by this act, and shall cause the same to be distributed to such officers at the expense of the State.

When to
take effect.

§ 11. This act shall take effect on the first day of June next.

§ 12. The secretary of State shall cause the act hereby amended, and as hereby amended, together with such sections of the constitution as he shall deem expedient, to be published in a pamphlet form, and he shall cause such number of copies thereof, with the necessary forms and instructions, as shall be sufficient to supply the several officers upon whom the duty is devolved by this act and the act hereby amended, and shall cause the same to be distributed to such officers at the expense of the State: And the sum of one thousand dollars is hereby appropriated to defray the expense of publication and distribution aforesaid, to be paid out of the treasury on the warrant of the Comptroller.

§ 13. This act shall take effect immediately. [sections 22 and 23, of the act, chapter 240, of 1847.]

AN ACT

To divide the State into Congressional Districts.

Passed September 6, 1842.

The people of the State of New-York represented in Senate and Assembly, do enact as follows :

State
divided.

§ 1. That for the election of representatives in congress of the United States, this State shall be and is hereby divided into thirty-four districts, namely:

First
district.

The counties of Suffolk and Queens shall compose the first district.

Second
district.

The counties of Richmond and Kings shall compose the second.

Third
district.

The First, Second, Third, Fourth and Fifth wards of the city and county of New-York shall compose the third district.

Fourth
district.

The Sixth, Seventh, Tenth and thirteenth wards shall compose the fourth district.

Fifth
district.

The Eighth, Ninth and Fourteenth wards shall compose the fifth district.

The Eleventh, Twelfth, Fifteenth, Sixteenth and Seventeenth wards shall compose the sixth district. Sixth district

The counties of Westchester and Rockland shall compose the seventh district. Seventh district

The counties of Putnam and Dutchess shall compose the eighth district. Eighth district

The counties of Orange and Sullivan shall compose the ninth district. Ninth district

The counties of Ulster and Delaware shall compose the tenth district. Tenth district

The counties of Columbia and Greene shall compose the eleventh district. Eleventh district

The county of Rensselaer shall compose the twelfth district. Twelfth district

The city and county of Albany shall compose the thirteenth district. Thirteenth district

The counties of Washington and Essex shall compose the fourteenth district. Fourteenth district

The counties of Warren, Franklin, Clinton, and townships number fifteen, thirty-two, seven, four, five and forty-one of Totten and Crossfield's purchase within the county of Hamilton, and all the territory in said county lying north of said townships, shall compose the fifteenth district; and all those parts of the said county of Hamilton shall, for all the purposes of any general or special election of state and county officers, electors of president and vice-president, and representatives in congress, be taken and deemed to be a part of the town of Long Lake in said county. Fifteenth district

The counties of Saratoga, Schenectady, Fulton, and that part of the county of Hamilton not included in district number fifteen, shall compose the sixteenth district. Sixteenth district

The counties of Herkimer and Montgomery shall compose the seventeenth district. Seventeenth district

The counties of St. Lawrence and Lewis shall compose the eighteenth district. Eighteenth district

The county of Jefferson shall compose the nineteenth district. Nineteenth district

The county of Oneida shall compose the twentieth district. Twentieth district

- Twenty-first district. The counties of Otsego and Schoharie shall compose the twenty-first district.
- Twenty-second district. The counties of Chenango, Broome and Tioga shall compose the twenty-second district.
- Twenty-third district. The counties of Madison and Oswego shall compose the twenty-third district.
- Twenty-fourth district. The county of Onondaga shall compose the twenty-fourth district.
- Twenty-fifth district. The counties of Cayuga and Cortland shall compose the twenty-fifth district.
- Twenty-sixth district. The counties of Tompkins, Chemung and Yates, shall compose the twenty-sixth district.
- Twenty-seventh district. The counties of Seneca and Wayne shall compose the twenty-seventh district.
- Twenty-eighth district. The county of Monroe shall compose the twenty-eighth district.
- Twenty-ninth district. The counties of Ontario and Livingston shall compose the twenty-ninth district.
- Thirtieth district. The counties of Steuben and Allegany shall compose the thirtieth district.
- Thirty-first district. The counties of Cattaraugus and Chautauque shall compose the thirty-first district.
- Thirty-second district. The county of Erie shall compose the thirty-second district.
- Thirty-third district. The counties of Wyoming and Genesee shall compose the thirty-third district.
- Thirty-fourth district. And the counties of Orleans and Niagara shall compose the thirty-fourth district.
- One member § 2. Each district shall be entitled to elect one member.
- Canvass in New-York & Hamilton. § 3. In the city and county of New-York, and in the county of Hamilton, it shall be the duty of the board of canvassers of such county to specify in their statement of the votes given for Representatives in Congress, the number of votes given in each of the Congressional districts to which the several portions of said county respectively belong, together with the names of the persons for whom such votes were given, and the number of votes given for each.
- Meeting to appoint inspectors of election, &c. § 4. In all cases where the meeting required to be held in pursuance of "An act respecting elections other than for militia and town officers," passed April 5, 1842, by the su-

pervisor, assessors and town clerk of the respective towns, and by the common council of the respective cities in this State, on the first Tuesday of September instant, has not been held on that day, it shall, instead of that day, be held on the first Monday of October next; and the same adjournments, notices, appointments of inspectors of election and other proceedings may be had, under this amendment, as are required or authorised by the said act: Provided, that no adjournment shall extend beyond the fifteenth day of October next.

§ 5. This act shall take effect immediately.

CHAP. 241.

AN ACT

To divide the State into judicial districts.

Passed May 8, 1847.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows:

§ 1. The State is hereby divided into eight judicial districts, pursuant to the provisions of the fourth section of the sixth article of the constitution, which districts shall be arranged as follows:

The first judicial district shall consist of the city and county of New-York. First district.

The second judicial district shall consist of the counties of Richmond, Suffolk, Queens, Kings, Westchester, Orange, Rockland, Putnam and Dutchess. Second district.

The third judicial district shall consist of the counties of Columbia, Sullivan, Ulster, Greene, Albany, Schoharie and Rensselaer. Third district.

The fourth judicial district shall consist of the counties of Warren, Saratoga, Washington, Essex, Franklin, St. Lawrence, Clinton, Montgomery, Hamilton, Fulton and Schenectady. Fourth district.

The fifth judicial district shall consist of the counties of Onondaga, Oneida, Oswego, Herkimer, Jefferson and Lewis. Fifth district.

The sixth judicial district shall consist of the counties of Sixth district.

Otsego, Delaware, Madison, Chenango, Broome, Tioga, Chemung, Tompkins and Cortland.

Seventh district.

The seventh judicial district shall consist of the counties of Livingston, Wayne, Seneca, Yates, Ontario, Steuben, Monroe and Cayuga.

Eighth district.

The eighth judicial district shall consist of the counties of Erie, Chautauque, Cattaraugus, Orleans, Niagara, Genesee, Allegany and Wyoming.

§ 2. This act shall take effect immediately.

CHAP. 331.

AN ACT

To amend An act for the partial organization of the county of Hamilton, and for other purposes, passed April 22, 1837.

Passed May 7, 1844.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Board of canvassers, when and where to meet.

§ 1. The second section of article one of fifth title of chapter six of part first of the Revised Statutes, is hereby amended so as to read as follows: They shall meet at the office of the county clerk on the Tuesday next following the election, before one o'clock in the afternoon of that day, in all the counties of this State, except the county of Hamilton, which shall meet on the first Friday next following said election, and shall choose one of their number as chairman.

Canvass, when and how to be made, &c.

§ 2. It shall be the duty of the board of canvassers in the county of Hamilton, to canvass all votes given in said county in the same manner as though the said county was fully organized; and the said board of canvassers shall, after they have thus canvassed, transmit to the county clerk of the county of Fulton, a statement and certificate of all the votes for the office of governor, lieutenant-governor, senators, representatives in congress, and electors and members of assembly, or

either of them, under their signatures, and to be certified by the county clerk, with his seal of office, and which shall be sent to the county clerk's office in the county of Fulton, on or before the first Tuesday next following such election, by some person to be designated and appointed by the board of canvassers of the county of Hamilton.

§ 3. It shall be the duty of the county clerk and the board of canvassers of the county of Fulton, to receive and canvass the votes thus transmitted to them, in the same manner as though each town in the county of Hamilton had sent its canvasser with the canvass.

Duty of the
board of
canvassers
of Fulton
county.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

Albany May 10, 1847.

I certify, that the preceding laws, to wit: "An act respecting elections other than for militia and town officers," passed April 5, 1842, as amended by the act chapter 240 of the laws of 1847; "An act to divide the State into congressional districts," passed September 6, 1842; "An act to divide the State into judicial districts," passed May 8, 1847; and "An act to amend an act for the partial organization of the county of Hamilton, and for other purposes, passed April 22, 1837," passed May 7, 1844, are true copies of the original laws on file in this office.

N. S. BENTON,
Sec'y of State.

C H A P. 276.

AN ACT

To provide for the election of certain judicial and other officers, and to fix their term of office.

Passed May 12, 1847.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

First election of judges of court of appeals.

SECTION 1. The first election of judges of the Court of Appeals, the justices of the Supreme Court, the county judges in the respective counties, (the city and county of New-York excepted,) the district attorneys of the respective counties, and all other judicial officers, whose election shall be provided for by this act, shall be elected on Monday the seventh day of June next.

Surrogates, when to be elected.

§ 2. There shall be elected a separate officer to perform the duties of the office of surrogate in each of the counties of this State, (except New-York,) having a population exceeding forty thousand, in which such separate officer shall be determined upon, as hereinafter provided for.

Recorders to be elected in all the cities except New-York.

§ 3. There shall be elected by the electors of each of the cities of this State, (except the city and county of New-York,) in which the office of recorder existed on the thirty-first day of December, eighteen hundred and forty-six, one recorder, who shall hold his office for four years from the first day of January next ; and the respective recorders who shall be in office at the time this act shall take effect, (except in the city and county of New-York,) shall continue such recorders until the first day of January next ; and all such recorders as shall hereafter be elected, shall hold their office for four years from and after the first day of January succeeding their election.

Duration of office.

Box to receive ballot for recorder.

§ 4. It shall be the duty of the inspectors of election, in such cities as shall elect a recorder, to provide a separate box ; and the name of the person voted for, for the office of recorder, shall be on one ballot, which shall be endorsed "City," and shall be deposited in the said box.

§ 5. The names of all other persons voted for by any elector at any election, as provided for by this act, shall be up on one ballot, which shall be endorsed "Judiciary," and which ballots shall be received and deposited by the board of inspectors of elections, in a separate box kept for that purpose; and in all other respects, all the provisions of the Constitution and laws respecting the qualifications, disabilities, and privileges of electors, and manner of voting, and of conducting the elections at a general election, shall be applicable to the election of the officers specified in this act.

Box to be provided for "Judiciary" ballots.

§ 6. All laws relating to general elections shall be deemed to apply to the election authorized by this act, so far as the same shall be applicable, but such notice of said election shall be given and published as soon as may be, after the passage of this act, and until such election; and no such election shall be invalid by reason of the omission to give any such notice.

General laws applicable.

§ 7. The board of State canvassers shall meet at the office of the Secretary of State, in city of Albany, on the twenty-second day of June next, to canvass and determine the election of judges and clerk of the Court of Appeals, and of the justices of the Supreme Court, and shall be composed of the same persons as now provided by law; and shall be authorized and empowered to adjourn from time to time, in like cases, and in the same manner as now directed by law.

Duty of State canvassers.

§ 8. In all cases where any county in this State, (except the city and county of New-York,) shall have a population exceeding forty thousand, the board of supervisors therein, at any meeting of such board, may, by a resolution thereof, provide for the election of an officer other than the county judge, who shall perform the duties of the office of surrogate therein.

Duty of board of supervisors.

§ 9. Such resolution shall be immediately delivered by the clerk of the board of supervisors to the county clerk, whose duty it shall be to file the same in the office of the clerk of such county, and keep the same as a part of the records thereof.

Resolution to be filed in county clerk's office.

§ 10. Within ten days after such resolution shall be filed in the office of any such county clerk, he shall transmit to the Secretary of State, to be filed and kept in his office, a copy of such resolution duly certified by him.

Also transmitted to Secretary of State.

Boards of supervisors to meet on 25th May, 1847.

To fix salaries.

In certain cases may separate offices of county judge and surrogate.

Not to apply to certain counties.

§ 11. The boards of supervisors in the several counties of this State, (except New-York,) shall meet at the office of the county clerk in their respective counties, on the twenty-fifth day of May instant. When so convened, they shall fix the salary of the county judge, and in the proper counties, of the separate officer elected to perform the duties of the office of surrogate. They shall also, at the same meeting, in those counties having a population exceeding forty thousand, determine whether the office of county judge and surrogate shall be separate, and if separate, they shall fix the salary of such separate officer. But this section shall not apply to counties having a population less than forty thousand, the board of supervisors whereof have already fixed the salary of the county judge ; nor to those counties having a population exceeding forty thousand, the boards of supervisors whereof have already determined whether to have a separate officer as aforesaid, and have fixed the salary of said officer, if such separate officer shall have been determined upon, and shall have fixed the salary of the county judge ; and the act of the board of supervisors fixing the salary of a separate officer to perform the duties of the office of surrogate in any county in which said officer shall be elected by the Constitution and the provisions of this act is hereby confirmed, and shall be deemed as valid, as if the same had been fixed in pursuance of this act.

When county judges and surrogates to enter upon their duties.

§ 12. The separate officers elected to perform the duties of the office of surrogate, and the local officers to discharge the duties of county judge and of surrogate, and elected at the election provided for in this act, shall enter upon their duties on the first Monday of July next, and hold their offices for the term of four years from the first day of January next ; and after the expiration of the term of office of those first elected, the term of office of said officers shall be four years.

When office of surrogate to be deemed vacant and abolished.

§ 13. Whenever the office of county judge shall be vacant in a county, having a population exceeding forty thousand, the board of supervisors of that county, if there be a separate officer to perform the duties of the office of surrogate in said county, may resolve that there shall be no such officer in said county ; and thereupon, the office of such officer shall be

deemed vacant and abolished from the time that the office of county judge shall be filled ; or, if there be no such officer, said board may resolve that there shall be such officer in such county, in which case, such officer shall be elected at the time and in the manner, in all respects, that the county judge in said county shall be elected ; and said board may, at any such meeting, alter the salary of the county judge, and fix the salary of such separate officer.

When board of supervisors may resolve to have a surrogate.

§ 14. Separate officers elected to perform the duties of the office of surrogate, under the fourteenth section of article six of the Constitution, shall be denominated " surrogate " of their respective counties.

Separate officer to be denominated " surrogate."

§ 15. The clerk of the Court of Appeals, before entering upon the duties of his office, shall execute a bond to the people of this State, in the penalty of twenty-five thousand dollars, with two sufficient sureties, to be approved by the Comptroller, and conditioned for the faithful performance of the duties of his office. Such bond shall be filed in the office of the Comptroller of this State ; and if such bond shall become forfeited by a breach of its condition, the Supreme Court shall, by an order entered by that court, direct it to be prosecuted, and the money recovered shall be applied under the direction of said court for the indemnity of the persons aggrieved by such breach, in proportion to their respective losses.

Clerk of the court of appeals to give bond.

§ 16. This act shall take effect immediately.

When act takes effect.

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

I have compared the preceding with an original law on file in this office, entitled " An act to provide for the election of certain judicial and other officers, and to fix their term of office," and do certify that the same is a correct transcript therefrom, and of the whole of said original.

N. S. BENTON,
Secretary of State.

Albany, May 13, 1847.

ASSEMBLY.

SECTION FIVE, OF ARTICLE THREE, OF THE CONSTITUTION:

To which is annexed a List of the Assembly Districts into which counties have been divided by the supervisors.

Members of
assembly to
be apportioned.

Section 5. The members of Assembly shall be apportioned among the several counties of this State, by the Legislature, as nearly as may be, according to the number of their respective inhabitants, excluding aliens, and persons of color not taxed, and shall be chosen by single districts.

Supervisors
to divide
counties into
assembly
districts.

The several boards of supervisors in such counties of this State, as are now entitled to more than one member of Assembly, shall assemble on the first Tuesday of January next, and divide their respective counties into Assembly districts equal to the number of members of Assembly to which such counties are now severally entitled by law, and shall cause to be filed in the offices of the Secretary of State and the clerks of their respective counties, a description of such Assembly districts, specifying the number of each district and the population thereof, according to the last preceding State enumeration, as near as can be ascertained. Each Assembly district shall contain, as nearly as may be, an equal number of inhabitants, excluding aliens and persons of color not taxed, and shall consist of convenient and contiguous territory; but no town shall be divided in the formation of Assembly districts.

Members to
be re-apportioned.

The Legislature, at its first session after the return of every enumeration, shall re-apportion the members of Assembly among the several counties of this State, in manner aforesaid, and the boards of supervisors in such counties as may be entitled, under such re-apportionment, to more than one member,

shall assemble at such time as the Legislature making such re-apportionment shall prescribe, and divide such counties into Assembly districts, in the manner herein directed; and the apportionment and districts so to be made, shall remain unaltered until another enumeration shall be taken under the provisions of the preceding section.

Districts to be altered.

To remain unaltered.

Every county heretofore established and separately organized, *except the county of Hamilton*, shall always be entitled to one member of the Assembly, and no new county shall be hereafter erected, unless its population shall entitle it to a member.

Each county entitled to one member except Hamilton.

The county of Hamilton shall elect with the county of Fulton, until the population of the county of Hamilton shall, according to the ratio, be entitled to a member.

Hamilton to elect with Fulton.

ASSEMBLY DISTRICTS.

ALBANY CITY AND COUNTY.—(4 *Districts.*)

First District.—1st ward of the city of Albany; 2d ward of the city of Albany; towns of Bethlehem, Coeymans, Westerlo, Rensselaerville.

Second District.—10th ward of the city of Albany; towns of Guiderland, New Scotland, Knox, Bern.

Third District.—3d ward of the city of Albany; 4th do; 5th do; 6th do; 8th do.

Fourth District.—7th ward of the city of Albany; 9th do; town of Watervliet.

ALLEGANY COUNTY.—(2 *Districts.*)

First District.—Towns of Centerville, Hume, Granger, Grove, Ossian, Rushford, Caneadea, Allen, Birdsall, Burns, New Hudson, Belfast, Angelica.

Second District.—Towns of West Almond, Almond, Alfred, Amity, Andover, Independence, Cuba, Friendship, Clarksville, Wirt, Genesee, Bolivar, Scio.

BROOME COUNTY.—(1 *District.*)

CATTARAUGUS COUNTY.—(2 *Districts.*)

First District.—Towns of Ashford, Ellicottville, Carrolton, Burton, Humphrey, Franklinville, Machias, Yorkshire, Freedom, Farmersville, Lyndon, Rice, Hinsdale, Olean, Portville.

Second District.—Towns of Great Valley, Little Valley, Mansfield, Otto, Persia New Albion, Napoli, Coldspring, Randolph, Connewango, Leon, Dayton, Perrysburgh.

CAYUGA COUNTY.—(3 *Districts.*)

First District.—Towns of Sterling, Victory, Ira, Conquest, Cato, Mentz.

Second District.—Towns of Brutus, Sennett, Aurelius, Auburn, Owasco, Fleming, Springport.

Third District.—Towns of Ledyard, Scipio, Niles, Venice, Moravia, Sempronius, Genoa, Locke, Summer Hill.

CHAUTAUQUE COUNTY.—(2 *Districts.*)

First District.—Towns of Pomfret, Sheridan, Hanover, Villenova, Arkwright, Charlotte, Cherrycreek, Ellington, Gerry, Poland, Ellicott, Carroll.

Second District.—Towns of Portland, Stockton, Ellery, Busti, Harmony, Westfield, Chautauque, Ripley, Mina, Sherman, French Creek, Clymer.

CHEMUNG COUNTY.—(1 *District.*)CHENANGO COUNTY.—(2 *Districts.*)

First District.—Towns of Columbus, Lincklaen, Norwich, New Berlin, Otselec, Pharsalia, Pitcher, Plymouth, Smyrna, Sherburne.

Second District.—Towns of Bainbridge, Coventry, German, Guilford, Greene, Macdonough, Oxford, Preston, Smithville.

CLINTON COUNTY.—(1 *District.*)COLUMBIA COUNTY.—(2 *Districts.*)

First District.—Hudson city, 1st and 2d wards; towns of Greenport, Claverack, Livingston, Taghkanick, Copake, Germantown, Clermont, Gallatin, Ancram.

Second District.—Towns of New Lebanon, Canaan, Chatham, Kinderhook, Stuyvesant, Stockport, Ghent, Austerlitz, Hillsdale.

CORTLAND COUNTY.—(1 *District.*)

DELAWARE COUNTY.—(2 *Districts.*)

First District.—Towns of Colchester, Franklin, Hamden, Hancock, Masonville, Sidney, Tompkins, Walton, Delhi.

Second District.—Towns of Andes, Bovina, Harpersfield, Kortright, Meredith, Middletown, Stamford, Davenport, Roxbury.

DUTCHESS COUNTY.—(3 *Districts.*)

First District.—Towns of Fishkill, Beekman, Pawlings, Dover, Union Vale, La Grange.

Second District.—Towns of Poughkeepsie, Pleasant Valley, Hyde Park, Clinton.

Third District.—Towns of Washington, Amenia, Stanford, North East, Pine Plains, Milan, Rhinebeck, Red Hook.

ERIE COUNTY.—(4 *Districts.*)

First District.—City of Buffalo, 1st, 2d, 3d and 5th wards.

Second District.—City of Buffalo, 4th ward ; towns of Black Bock, Tonawanda, Amherst, Clarence.

Third District.—Towns of Newstead, Chickawaga, Hamburg, Aurora, Wales, Alden, Lancaster.

Fourth District.—Towns of Evans, Eden, Boston, Colden, Holland, Sardinia, Concord, Collins, Biant.

ESSEX COUNTY.—(1 *District.*)

FRANKLIN COUNTY.—(1 *District.*)

FULTON AND HAMILTON COUNTIES.—(1 *District.*)

GENESEE COUNTY.—(2 *Districts.*)

First District.—Towns of Alabama, Alexander, Batavia, Darien, Elba, Oakfield, Pembroke.

Second District.—Towns of Bergen, Bethany, Byron, Le Roy, Pavilion, Stafford.

GREENE COUNTY.—(2 *Districts.*)

First District.—Towns of Athens, Catskill, Cairo, Hunter, Lexington.

Second District.—Towns of Coxsackie, Durham, Greenville, New Baltimore, Prattsville, Windham.

HERKIMER COUNTY.—(2 *Districts.*)

First District.—Towns of Fairfield, Herkimer, Little Falls, Manheim, Newport, Norway, Ohio, Russia, Salisbury, Wilmurt.

Second District.—Towns of Columbia, Danube, Frankfort, German Flatts, Litchfield, Schuyler, Stark, Warren, Winfield.

JEFFERSON COUNTY.—(3 *Districts.*)

First District.—Towns of Watertown, Henderson, Adams, Ellisburgh, Lorraine, Rodman, Hounsfield.

Second District.—Towns of Rutland, Champion, Wilna, Philadelphia, Antwerp, Le Ray, Theresa, Alexandria.

Third District.—Towns of Brownville, Lyme, Orleans, Clayton, Pamela.

KINGS COUNTY.—(3 *Districts.*)

First District.—Brooklyn city, 8th and 9th wards; towns of Williamsburgh, Bushwick, Flatbush, Flatlands, Gravesend, New Utrecht.

Second District.—Brooklyn city, 1st, 2d, 3d and 6th wards.

Third District.—Brooklyn city, 4th, 5th and 7th wards.

LEWIS COUNTY.—(1 *District.*)

LIVINGSTON COUNTY.—(2 *Districts.*)

First District.—Towns of Avon, Caledonia, Lima, Livonia, Geneseo, Groveland, Leicester, York.

Second District.—Towns of Mount Morris, Sparta, West Sparta, North Dansville, Springwater, Conesus, Nunda, Portage.

MADISON COUNTY.—(2 *Districts.*)

First District.—Towns of De Ruyter, Nelson, Eaton, Georgetown, Lebanon, Madison, Hamilton, Brookfield.

Second District.—Towns of Cazenovia, Sullivan, Lenox, Fenner, Smithfield, Stockbridge.

MONROE COUNTY.—(3 *Districts.*)

First District.—Towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perrinton, Pittsford, Rush, Webster.

Second District.—The city of Rochester.

Third District.—Towns of Clarkson, Chili, Gates, Greece, Ogden, Parma, Riga, Sweden, Wheatland.

MONTGOMERY COUNTY.—(2 *Districts.*)

First District.—Towns of Amsterdam, Mohawk, Florida, Glen, Charleston.

Second District.—Towns of Palatine, St. Johnsville, Minden, Canajoharie, Root.

NEW-YORK CITY AND COUNTY.—(16 *Districts*.)

First District.—1st and 2d wards.

Second District.—3d and 6th wards.

Third District.—4th ward.

Fourth District.—5th ward.

Fifth District.—7th ward.

Sixth District.—8th ward.

Seventh District.—9th ward.

Eighth District.—10th ward.

Ninth District.—11th ward.

Tenth District.—12th ward.

Eleventh District.—13th ward.

Twelfth District.—14th ward.

Thirteenth District.—15th ward.

Fourteenth District.—16th ward.

Fifteenth District.—17th ward.

Sixteenth District.—18th ward.

NIAGARA COUNTY.

(No return received from this county.)

ONEIDA COUNTY.—(4 *Districts*.)

First District.—Towns of New-Hartford, Utica city, Whitestown.

Second District.—Towns of Augusta, Bridgewater, Kirkland, Marshall, Sangerfield, Paris, Vernon, Westmoreland.

Third District.—Towns of Annsville, Camden, Florence, Rome, Verona, Vienna.

Fourth District.—Towns of Ava, Boonville, Deerfield, Floyd, Lee, Marcy, Remsen, Steuben, Trenton, Western.

ONONDAGA COUNTY.—(4 Districts.)

First District.—Towns of Camillus, Clay, Elbridge, Lysander, Van Buren.

Second District.—Towns of Marcellus, Onondaga, Otisco, Skaneateles, Spafford, Tully.

Third District.—Towns of Cicero, Salina.

Fourth District.—Towns of DeWitt, Fabius, Lafayette, Manlius, Pompey.

ONTARIO COUNTY.—(2 Districts.)

First District.—Towns of Seneca, Gorham, Hopewell, Phelps, Manchester, Farmington.

Second District.—Towns of Victor, East Bloomfield, West Bloomfield, Richmond, Canadice, Bristol, South Bristol, Naples, Canandaigua.

ORANGE COUNTY.—(3 Districts.)

First District.—Towns of Newburgh, New-Windsor, Montgomery, Crawford.

Second District.—Towns of Cornwall, Bloomingrove, Hamptonburgh, Goshen, Wallkill, Chester.

Third District.—Towns of Monroe, Warwick, Minisink, Deerpark, Mount Hope.

ORLEANS COUNTY.—(1 District.)

OSWEGO COUNTY.—(2 Districts.)

First District.—Towns of Granby, Oswego, Schroepel, Volney, Hannibal, New-Haven, Scriba.

Second District.—Towns of Albion, Boylston, Greenboro, Mexico, Palermo, Redfield, Sandy Creek, West Monroe, Amboy, Constantia, Hastings, Orwell, Parish, Richland, Williamstown.

OTSEGO COUNTY.—(3 *Districts.*)

First District.—Towns of Cherry Valley, Springfield, Middlefield, Decatur, Westford, Worcester, Maryland.

Second District.—Towns of Otsego, Exeter, Richfield, Plainfield, Burlington, Hartwick, Edmeston, New-Lisbon.

Third District.—Towns of Milford, Oneonta, Otego, Unadilla, Butter-nuts, Laurens, Pittsfield.

PUTNAM COUNTY.—(1 *District.*)

QUEENS COUNTY.—(1 *District.*)

RENSSELAER COUNTY.—(3 *Districts.*)

First District.—Troy city ; eight wards.

Second District.—Towns of Lansingburgh, Scaghticoke, Pittstown, Hoosick, Grafton, Petersburg, Berlin.

Third District.—Towns of Brunswick, Greenbush, Schodack, Sand Lake, Nassau, Stephentown.

RICHMOND COUNTY.—(1 *District.*)

ROCKLAND COUNTY.—(1 *District.*)

ST. LAWRENCE COUNTY.—(3 *Districts.*)

First District.—Towns of DePeyster, DeKalb, Fowler, Gouverneur, Hammond, Macomb, Morristown, Oswegatchie, Pitcairn, Rossie.

Second District.—Towns of Lisbon, Madrid, Norfolk, Canton, Russell, Hermon, Fine, Edwards, Pierrepont.

Third District.—Towns of Brasher, Massena, Potsdam, Stockholm, Lawrence, Hopkinton, Colton, Parishville, Louisville.

SARATOGA COUNTY.—(2 *Districts.*)

First District.—Towns of Ballston, Charlton, Clifton Park, Galway, Halfmoon, Malta, Milton, Stillwater, Waterford.

Second District.—Towns of Corinth, Day, Edinburgh, Greenfield, Hadley, Moreau, Northumberland, Providence, Saratoga, Saratoga Springs, Wilton.

SCHENECTADY COUNTY.—(1 *District.*)

SCHOHARIE COUNTY.—(2 *Districts.*)

First District.—Towns of Esperance, Wright, Schoharie, Middleburgh, Broome, Blenheim, Conesville.

Second District.—Towns of Carlisle, Sharon, Seward, Cobleskill, Fulton, Summit, Jefferson.

SENECA COUNTY.—(1 *District.*)

STEUBEN COUNTY.—(3 *Districts.*)

First District.—Towns of Bath, Wheeler, Prattsburgh, Pulteney, Urbana, Wayne, Tyrone, Reading.

Second District.—Towns of Woodhull, Cameron, Thurston, Addison, Lindley, Erwin, Campbell, Bradford, Orange, Hornby, Painted Post, Caton.

Third District.—Towns of Cohocton, Avoca, Dansville, Howard, Hornellsville, Hartsville, Canisteo, Jasper, Greenwood, Troupsburgh, West Union.

SUFFOLK COUNTY.—(2 *Districts.*)

First District.—Towns of East Hampton, South Hampton, Shelter Island, Southold, Riverhead.

Second District.—Towns of Brookhaven, Smithtown, Huntington, Islip.

SULLIVAN COUNTY.—(1 *District.*)

TIOGA COUNTY.—(1 *District.*)

TOMPKINS COUNTY.—(2 *Districts.*)

First District.—Towns of Lansing, Ulysses, Hector, Enfield, Newfield.

Second District.—Towns of Groton, Dryden, Ithaca, Caroline, Danby.

ULSTER COUNTY.—(2 *Districts.*)

First District.—Towns of Saugerties, Woodstock, Olive, Shandaken, Hurley, Marbletown, Rochester, Wawarsing.

Second District.—Towns of Kingston, Esopus, Rosendale, Lloyd, New Paltz, Marlborough, Plattekill, Shawangunk.

WARREN COUNTY.—(1 *District.*)

WASHINGTON COUNTY.—(2 *Districts.*)

First District.—Towns of Argyle, Cambridge, Easton, Fort Edward, Greenwich, Jackson, Salem, White Creek.

Second District.—Towns of Dresden, Fort Ann, Granville, Hampton, Hartford, Hebron, Kingsbury, Putnam, Whitehall.

WAYNE COUNTY.—(2 *Districts*.)

First District.—Towns of Butler, Galen, Huron, Lyons, Rose, Sodus, Savannah, Wolcott.

Second District.—Towns of Arcadia, Macedon, Marion, Ontario, Palmyra, Walworth, Williamson.

WESTCHESTER COUNTY.—(2 *Districts*.)

First District.—Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Salem, Ossining, Poundridge, Somers, Yorktown.

Second District.—Towns of East Chester, Greenburgh, Harrison, Mount Pleasant, Mamaroneck, North Castle, New Rochelle, Pelham, Rye, Scarsdale, Whiteplains, Yonkers, West Chester, West Farms.

WYOMING COUNTY.—(1 *District*.)

YATES COUNTY.—(1 *District*.)

STATE OF NEW-YORK, }
SECRETARY'S OFFICE. }

I certify the preceding to be a correct transcript of the fifth section of the third article of the Constitution of this State, to which is annexed a list of the Assembly Districts, into which counties entitled to more than one member of Assembly have been divided by the respective boards of supervisors, copied from and compared with the returns received at this office.

N. S. BENTON,
Secretary of State.

Albany, May 10, 1847.

FORMS AND INSTRUCTIONS

Of the Secretary of State.

Made in pursuance of section 10 of Title VIII of the act entitled "An act respecting elections other than for militia and town officers." Passed April 5, 1842, and of section 22 of the act chap. 240 of the laws of 1847.

Election Districts.

The State having already been divided and organized into election districts under former instructions, little need be said on that subject.

The town officers are required to meet each year at the town clerk's office on the first Monday of October, at ten o'clock in the forenoon and form a board, in order to determine whether any alteration in the existing districts is necessary. They may make alterations subject to the restrictions and limitations contained in the 15th section of Title III, Art. 3. They must make a certificate of such alterations, exhibiting the districts as altered and their respective numbers, which must be filed in the town clerk's office. Such alteration however, will not take effect until after the then next general election, except in case of the erection or division of a town, in which case it will take effect immediately. [Title III, Art. 3, §16.]

When a new town is formed, the supervisor, town clerk and assessors therein, must meet at the town clerk's office on or before the first Tuesday in September preceding the first general election, and divide the same into election districts. In performing this duty the same proceedings in all respects must be adopted as were had on organizing the existing towns into election districts, except in one particular. [44]

In the appointment of inspectors, the town officers by §18 were authorized to select, among others, from the commissioners of common schools. The office of commissioner of common schools having been abolished by law, the selections must be made from the other descriptions of officers enumerated in the 18th section, and in all other respects, the proceedings to be had in organizing a new town into election districts must be identical with those which were had in organizing the existing towns into election districts.

At each annual town meeting to be held in the several towns in this State, and at each annual charter election in the several cities of this State, the electors are to vote by ballot on the same ticket with other town or charter officers for two electors residing in each election district of such town or city ; and the two who receive the greatest number of votes are to be two of the inspectors of all elections held therein during the year. Immediately after the canvassing of the votes, the presiding officers of the town or charter election must appoint by writing, signed by a majority of such board of presiding officers, another inspector of election for each election district in the town or city, to be associated with the two who are elected, and who is to be an inspector of all elections held in his election district during the year. The inspector thus appointed must be one of the two candidates voted for who shall have the highest number of votes next to the two inspectors in such election district who have been elected. (No ballot for inspectors containing more than two names can be counted or estimated ; but such an excess of names for inspectors would not vitiate the remainder of the ballot for charter or town officers.) [Title III. Art. 3, § 21.]

The object of the above provision is to secure to the political party which is in the minority in any city or town, one inspector of election in each election district. The minority will thus be represented at every poll in the State. And if the intent of the law is faithfully executed, the effect will probably be to repress partialities and frauds which might otherwise occur ; and, at any rate, to prevent or diminish imputations of misconduct against the boards of inspectors ; and thus, in some measure, to mitigate political asperity.

No. 1.

Notice from the Sheriff to the Supervisor or to an Assessor of each Town or Ward in his county. Tit. III, Art. 3, § 14.

SIR :—

A general election is to be held on the _____ day of November next, at which are to be elected the officers mentioned in the annexed copy of a notice from the Secretary of State, of which notice is hereby given to enable you to notify the inspectors of election in each election district of your town (or ward) to meet as required by law to make the necessary arrangements for holding the said election.

A. B. Sheriff of
the county of _____

To C. D. Esqr. supervisor (or one of the
assessors) of the town of _____ (or of }
the ward of the city of _____.) }

[To this must be annexed a copy of the notice from the Secretary of State.]

If a special election be ordered by a proclamation of the Governor, or by a board of canvassers, the notice will be varied, by substituting "special election" for "general election;" and saying the "officers mentioned in the annexed copy of a proclamation of the Governor," or "the annexed copy of an order of the board of canvassers of the the county of _____."

No. 2.

*Form of notice to be published by the Sheriff in the newspapers.—
Title III, Art. 3, § 14.*

ELECTION NOTICE.

A general (or special) election is to be held in the county of _____ on the _____ day of November next, at which will be chosen the officers mentioned in the notice from the Secretary of State, (or in the order from the board of canvassers, or in the proclamation of the Governor, as the case may be,) of which a copy is annexed.

Dated at _____ this _____ day of }
in the year 18 _____ }

A. B. Sheriff.

[Copy of the notice from the Secretary of State, or board of canvassers, or of the proclamation of the Governor, as the case may be, to be subjoined.]

[✚ The above "election notice" must be published in all the public newspapers printed in the county, once in each week, from the date of the notice until the election. And if no newspaper is printed in the county then in one of an adjoining county. If given by the clerk or county judge, the signature to the notice will be varied accordingly.] [§ 14.]

No. 3.

Appointment of a minority Inspector for each district.—Title III, Art. 3, § 21.

We, the presiding officers of the annual town meeting held in the town of (or charter election held in the city of) on the day of 18 , do hereby, in pursuance of the directions given in § 21 of Title III, Article third of the act entitled "An act respecting elections other than for militia and town officers," passed April 5, 1842, appoint A. B. in district No. 1, C. D. in district No. 2, and E. F. in district No. 3, in said town (or in the ward of said city) to be associated respectively with the two who have this day been elected for each of said districts, and each to be an inspector of election in and for his district in all elections held in said district during the present year; the said A. B., C. D. and E. F., each being one of the two persons in the election districts respectively, who had the highest number of votes next to the two inspectors who were elected.

Given under our hands this }
day of 18 . }

[To be signed by a majority of the presiding officers.]

No. 4.

Appointment of Inspectors to supply vacancies. Title III, Art. 3, § 22.

A. B. is hereby appointed inspector of elections in and for district No. 1, in the town of to supply the vacancy occasioned by the omission to elect or appoint (or occasioned by the death, removal or inability to serve, as the case may be,) of C. D.,

and E. F. is hereby appointed inspector of election in and for district No. 2, in said town, to supply the vacancy occasioned, &c.

Given under our hands this {
day of 18 . }

D. E. Supervisor.
R. O. Town Clerk.
K. L. } Justices of
H. I. } the Peace.
P. R. }

[The above to be filed in the town clerk's office.]

No. 5.

Appointment of an Inspector or Inspectors to form a Board where a majority is not present on the day of Election.—Tit. VIII, § 3.

A majority of the inspectors not being present, I hereby appoint A. B. (or A. B. and C. D.) to officiate as inspector of election (or as inspectors of election) until a majority of the inspectors shall be present.

Dated 18 .

R. B. Inspector of Election.

[N. B.—The individual or individuals thus appointed temporarily must take the constitutional oath, and may officiate until a majority of the inspectors attend.—Title VIII, § 4.]

[The above to be filed in the town clerk's office.]

No. 6.

Notice specifying the place of holding the Election, the officers to be elected, and the Time of Opening and Closing the Poll.

We, the undersigned, composing the board of town officers of the town of , (or composing the common council of the city of ,) hereby give notice, that the ensuing general election, at which are to be elected the following officers, to wit: (here copy a list of the officers as contained in the notice of the Secretary of State,) will be held in election district number one, at the house of J. K. inn-keeper, in said district; and in election district number two, at the house of T. W., farmer, in said district. And that the poll of the election will be opened on the

day of November next, at sun-rise, (or, at eight or nine oclock A. M., as the board may have determined,) and closed at sunset on that day.

Dated 18 .

[To be signed by a majority of the officers.]

[If the election is special, the notice will be varied accordingly. This notice is to be put up in at least eight public places in each district.—Title III, Art. 3. § 18.]

[N. B. The poll must be kept open without adjournment or intermission, from the opening to the final closing thereof at sunset. Title IV, Art. 1, § 6.]

No. 7.

Constitutional Oath to be taken by each Inspector, and the Clerks of the Election.—Tit. IV, Art. 1, § 2, 3, 4.

I do solemnly swear (or affirm, as the case may be,) that I will support the Constitution of the United States, and the Constitution of the State of New-York, and that I will faithfully discharge the duties of the office of inspector (or clerk) of this election, according to the best of my ability.

No. 8.

Proclamation of the opening of the Poll.

Hear ye! hear ye! hear ye! The poll of this election is opened, and all persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this State, to keep the peace thereof during their attendance at this election, upon pain of imprisonment.

And all persons are desired to take notice, that the poll will be closed at sun set. Tit. IV, Art. 1, § 5.

No. 9.

Proclamation on closing the Poll.—§ 5.

Hear ye! hear ye! hear he! The poll of this election is closed.

There must be but one box (Tit. IV, Art. III, § 24,) and one ballot for all the officers to be voted for at any election other than electors of President and Vice-President, Judges of the Court of Appeals, Justices of the Supreme Court, County Judges, separate officers to perform the duties of the office of Surrogate, and local officers to discharge the duties of County Judge and Surrogate, or a proposed amendment of the Constitution. [Tit. IV, Art. II, § 7, 8, 9, 10.]

When electors of President and Vice-President are to be chosen, a separate ballot must be prepared, to be endorsed "Electors;" when any of the judicial officers above mentioned are to be chosen, there must be a separate ballot prepared, to be endorsed "Judiciary;" and in counties entitled to more than one member of Assembly, the name of the person voted for as member of Assembly, must be upon a separate ballot and endorsed "Assembly."

In the city and county of New-York the names of all persons voted for by any elector for Senator, must be upon a separate ballot, and endorsed "Senate." In the city and county of New-York, and in the county of Hamilton, the names of all the persons voted for by any elector for representative in Congress, must be upon a separate ballot and endorsed "Congress," and also a separate ballot when amendments to the Constitution are submitted to the people. And separate canvasses and returns must be made in each of these cases.

N. B. When there is more than one box, each box, to prevent mistakes, should be appropriately endorsed or labelled, "State," "Judiciary," "Electors," "Constitution," "Senate," "Assembly," "Congress," as the case may be.

No. 10.

Form of a Ballot.

[The word "State" is to be endorsed on the out side of this, when folded.]

For Governor,
John Doe.

For Lieutenant-Governor,
Richard Roe.

For Secretary of State,
John Den.

For Comptroller,
Richard Fen.

For Treasurer,
Peter Fales.

For Attorney-General,
Amos Fox.

For State Engineer and Surveyor,
Asa Jones.

For Canal Commissioners,
Peter Den,
John Squiers,
Asa Filkins.

For Inspectors of State Prisons,
Michael Courtney,
Amasa Proudhit,
Joseph Shaw.

For Clerk of the Court of Appeals,
George Handy.

For Senator,
Thomas Jones.

For Representative in Congress,
James Jackson.

For Member of Assembly,
John Wood.

For District Attorney,
John Blackletter.

For Sheriff,
John Ford.

For County Clerk,
Asa Crane.

For Coroners,
John Jones,
Abel Peck,
John Weed.

In the city of New-York the following must be added:

For Register,
Lewis Blood.

If more than one Canal Commissioner or Inspector of State Prisons is to be chosen, except at the election in November, 1847, the ballot must be varied as follows: [Title IV. Art II. § 11.]

For Canal Commissioners,
Thomas Jones, three years,
John Cady, two years.

For Inspectors of State Prisons,
George Fa'les, three years.
Samuel Johnson, two years,

No. 11.

[Form of a Ballot.

[The word "Judiciary" to be endorsed on the outer side, when folded.]

For Judges of the Court of Appeals,
James Jackson,
John Stiles,
Richard Fen,
George Den.

For Justices of the Supreme Court,
John Doe,
Richard Roe,
Amos Giles,
John Smith.

For Clerk of the Court of Appeals.
John Goodtitle.

For District Attorney,
John Blackletter.

[The name and office of clerk of Court of Appeals and district attorney, are only to be inserted in the "Judiciary" ballot at the first election in June, 1847.]

For County Judge,
Augustus Gordon.

For Surrogate,
Anson Jones.

For Sessions,
Peter Smith.

In those counties where the duties of the office of Surrogate are performed by the County Judge the ballot must be varied, and the words "For Surrogate" and the candidates name left off; and "local officers" will be elected to discharge the duties of County Judge and Surrogate, when authorized by an act of the Legislature, pursuant to the provisions of the Constitution.

If more than one Judge of the Court of Appeals, or Justice of the Supreme Court, is to be chosen after the first election, to fill vacancies that may exist, the ballot must be varied as follows: [Title IV. Art. II. § 11.]

For Judges of the Court of Appeals,
James Jackson, eight years.
John Stiles, five years.

For Justices of the Supreme Court,
John Doe, eight years.
Moses Mason, three years.

No. 12.

Proceedings on the challenge of a person offering to vote.—Tit. IV, Art. II, § 13, 14, 15, 16, 17, 18, 19.

When the challenge is made, the preliminary oath is to be administered in the following form :

" You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector."

The inspectors, or one of them, is then to put to the person challenged, questions on the several topics specified in the fourteenth section, in the following order :

1. What is your name ?
2. Where do you now reside ?

3. How long have you resided in this town, [or ward ?]
4. What was your last place of residence before you came into this town, [or ward ?]
5. Are you a native or naturalized citizen?
[If the answer is that he is a naturalized citizen, then]
6. When, where, in what court, or before what officer were you naturalized ?
7. Did you come into this town [or ward] for the purpose of voting at this election ?
8. How long do you contemplate residing in this town [or ward ?]
9. Have you made any bet or wager on the result of this election ?
10. Are you directly or indirectly interested in any bet or wager depending upon the result of this election ? [Sec. 15, of chap. 240, of Laws of 1847.]

Only one question on each point of examination, is given above in the simplest and shortest form. But after either of the questions is put and answered, if doubts exist, or further explanation is necessary, the inspectors may pursue the subject by putting further questions on the same topic. If, for instance, to the question, "What is your name ?" the answer should be "John Doe :—" When any reason exists for believing this to be an assumed name, the person challenged may be asked, "Have you not lately [or formerly] been known by another name ?" or any other or additional question or questions which are deemed expedient.

The inspectors are authorized "to question the person challenged *in relation to* his name" and "*in relation to*" every topic embraced in the 14th section. The general authority "to question the person challenged *in relation to*" each topic of examination, does not mean that only one question shall be put on each. On the other hand, the fair construction is that *every* question "*in relation to*" each topic may be asked.

The 14th section allows "all such other questions as may tend to test the qualifications of the person challenged, as a resident of the town or ward, citizenship and right to vote at that poll." These questions will of course depend upon the circumstances of each case.

The questions which are authorized by the 14th section seem to be based upon the assumption, that a residence in the town or ward is sufficient. This was the case under the former law; but under the present law, where a town or ward has been divided into election districts, a residence in the election district where the poll is held, is indispensable, as is also a residence of thirty days next preceding any election, by the 1st section of the 2d article of the Constitution, in the district from which the officer is to be chosen for whom the elector offers his vote; in all cases, therefore, where there is any doubt, it will be well, among the "other questions" to put the following:

Do you now reside in this election district?

Where the lawful age of the person challenged is questioned, the following should be put:

Are you now twenty-one years of age?

And all such other questions, as under the circumstances of each case, shall be deemed expedient to elicit the truth on each topic of examination.

If any person challenged, shall refuse to take the preliminary oath, or to answer fully any questions put to him, his vote shall be rejected: [§ 15.]

After receiving the answers of a person challenged, the board of inspectors must point out to him the qualification in respect to which he shall appear to them to be deficient:

If he persists in his claim to vote, and the challenge is not withdrawn, one of the inspectors must administer to him the general oath, as follows:

"You do swear (or affirm, as the case may be) that you have been a citizen of the United States for ten days, and are now of the age of twenty-one years, that you have been an inhabitant of this State for one year next preceding this election, and for the last four months a resident of this county; that you have been for thirty days next preceding this election, a resident of this Assembly district, (or Senate or Congressional district or districts, ward, town, village or city,

as the case may be, naming any or all of the foregoing districts, ward, town, village or city from which the officer is to be chosen for whom said person offers to vote,) that you are now a resident of this town, (or ward, as the case may be,) and of the election district in which you now offer to vote; and that you have not made any bet or wager, and are not directly or indirectly interested in any bet or wager depending upon the result of this election, and that you have not voted at this election.”

If any person challenged refuses to take the “general oath,” his vote must be rejected: [§ 19.]

If the person challenged, takes the preliminary oath, and answers “fully” all questions put to him, and also takes the general oath, it is believed that the inspectors would be bound to receive his ballot, even although they might have strong reason to believe that he had committed perjury. But in such case it would be their duty to cause legal proceedings to be immediately instituted against him for the offence.

No. 13.

By the 32d section of Tit. IV, Art. 3, the inspectors are vested with “full authority to preserve peace and good order at, and around the polls of the election, and to keep the access thereto open and unobstructed, and may appoint one or more electors to communicate their orders and directions, and to assist in the performance of the duties in this section enjoined.”

Whenever a collection of turbulent individuals is anticipated around the poll, it will be well for the inspectors, particularly in the cities, on organizing themselves into a board, to appoint so many discreet electors as they may deem necessary, to communicate their orders and directions, &c. And where such appointment is not made at the opening of the poll, it should be made immediately on the commencement of any serious disturbance or obstruction. And the inspectors, if the disturbance is out of their sight and hearing, so that they cannot, of their own knowledge, identify the individuals

creating the same, should cause their command to the offending individual or individuals to desist immediately from such disturbance or obstruction, to be distinctly communicated by some one or more of the electors appointed as above. And on complaint being made to them, that their command is disregarded; and on causing notice to be given to the party charged that the complaint has been made, so that he may, if he choose to do so, confront and cross-examine the witnesses, the inspectors may administer such oath or oaths, and examine such witness or witnesses as are necessary to establish the complaint: and if the offence is clearly established, they may issue the precept No. 14, adapting it to the offence. [The authority for administering the necessary oath or oaths in this case, will be found in Part III, Chap. VIII, Tit. XVII, § 11, of the Rev. Stat.]

If there is no sheriff or constable present, the board of inspectors may depute some other person in writing, on the back of the process, to execute the same, as follows: [§ 34.]

No sheriff or constable being present, we hereby depute John Doe to serve and execute the within process.

[To be signed by a majority of the board.]

No. 14.

Form of a precept to be issued by the Inspectors for the arrest and detention, until the canvass of the votes, of any individual who is guilty of disorderly conduct in the presence or hearing of the Inspectors.—
Tit. IV, Art. III, § 33.

The People of the State of New-York to the sheriff of the (city and county of _____, and to any constable of said county: Whereas, at the present annual election held in and for election district number _____ in the town of _____ (or in the ward of the city of _____) in said county, James Jackson, in the presence (or in the hearing) of us the undersigned Inspectors of the said election did, by disorderly conduct, to wit: (by loud and boisterous noises, or by violent stamping, or by assaulting John Doe and divers others, or by commencing a riot or an affray with divers persons, as the case may be,) interrupt and disturb the proceedings of us the said Inspectors in conducting the said election; you are therefore hereby ordered forthwith to arrest the said

James Jackson, and him safely detain in custody until the final canvass of the votes given in this election district shall be completed.

Given under our hands and seals this day of 18 .

[This should be signed by at least a majority of the inspectors.]

No. 15.

*Form of a precept for the arrest and detention of any person who
"shall refuse to obey the lawful commands of the Inspectors."*

The People of the State of New-York to the sheriff of the (city and) county of and to any constable of said county: Whereas, at the present annual election held in and for the election district composed of the town of (or of the ward of the city of) in said county, James Jackson did wilfully and intentionally obstruct the passage way to the poll of the said election, thereby hindering and preventing free access to the said poll in open and known violation of the command of us the undersigned Inspectors of this election, previously and publicly given in his hearing; you are therefore hereby ordered forthwith to arrest the said James Jackson and him safely keep and detain in custody until the final canvass of the votes given in this election district shall be completed.

Given under our hands and seals this day of 18 .

[To be signed by a majority of the inspectors.]

No. 16.

Form of the Poll Lists to be kept by the Clerks of the Election.

Names of Voters.		State Box.	Judiciary Box.	Assembly Box.
	A. B.	1		
P. O.	C. D.	1		
G. O.	E. F.	1		
B. O.	G. H.	1		

The inspectors must keep a minute of their proceedings in respect to challenges and the administering of the oaths; in which

one of them must enter the name of every person who shall have taken the oaths or either of them, designating whether the preliminary or both oaths were taken. This minute must be certified by the inspectors, and returned with the canvass of votes.

The inspectors must also direct the clerks of the polls to designate opposite to his name, on the poll list, each person who shall have taken either or both of said oaths. The designation may be by making in the left hand margin, opposite to the name, the initials P. O., for preliminary oath, G. O., for general oath, and B. O., for both oaths, as above. [Tit. IV, Art. II, § 22.]

When electors of president and vice-president are to be chosen, a fourth column should be added to the poll lists, and when amendments to the constitution are submitted, a fifth column, as follows :

Names of Voters.	State Box.	Judiciary Box.	Assembly Box.	Electoral Box.	Constitutional Box.

No. 17.

Form of the minute or statement of persons challenged, to each of whom is administered the oath or oaths required by law.

At the general election, held in election district number three, in the town of (or in the ward of the city of) in the county of on the day of 18 , the following persons were challenged, and respectively took the oath, or oaths, as stated below, to wit :

Peter Roe, John Den, and Joel Stiles, each took the preliminary oath, whereupon the challenge was in each case withdrawn.

John Knox, Asa Fen, and Ira Dox, each took the preliminary, and also the general oath, (or affirmation, as the case may be.)

We certify that the above is a true minute and statement of the

persons challenged, who took either or both of the oaths or affirmations required by law.

Dated 18 .

A. B. }
C. D. } *Inspectors.*
E. F. }

No. 18.

Canvass of Votes.

On closing the poll the inspectors must proceed to canvass the votes. By the former law, they might adjourn to the next day. This cannot now be done. The canvass must be immediately commenced; it must be public, and cannot be adjourned or postponed until completed. [Tit. IV, § 35.]

All the directions for conducting the canvass are specifically given in Art. IV, of Tit. IV. These directions must be carefully followed.

After the poll lists have been compared and made to agree, the box is to be opened and the ballots to be counted unopened. After they have been made to agree with the poll lists (by drawing and destroying if necessary) the canvass of the votes is to commence.

The names of all the persons voted for (except Electors of President and Vice-President, judicial officers, members of assembly in counties entitled to more than one, senators in the city and county of New-York, and representatives in congress in the city and county of New-York, and the county of Hamilton,) must be upon one ballot. [Title IV, Art. 2, § 9.]

No ballot shall contain a greater number of names of persons as designated to any office than there are persons to be chosen to fill such office. § 8. In other words, no more candidates must be voted for on one ballot, than there are offices to be filled.

All the officers voted for, from Governor down to coroners, except as above stated, must be on one ballot. If, then, an elector,

when two coroners only are to be chosen, by accident or design votes for three, will this excess of names for coroners destroy the whole ballot, when the remainder of it is correct? The answer, is it will not, although the language of the statute might seem, at first view, to justify the exclusion of the ballot.

Formerly, state, congressional and county officers were on separate ballots, and deposited in separate boxes; and a mistake in either of them did not nullify the rest. Nor is there now any reason for a more rigid construction. The object of placing the names of all the officers to be chosen on one ballot, as far as supposed to be practicable and preserve the classification introduced by the present constitution, is merely to simplify the election, and not to sacrifice the elective franchise. So far as the ballot is correct for each description of officers, it should be canvassed and estimated, and the remainder only rejected.

No. 19.

Certificate of Canvass.

We, the board of inspectors of election, in and for the election district of the town of _____ (or of the _____ ward of the city of _____) in the county of _____ do certify, that the following is a correct statement of the result of a general election held in said district, on the _____ day of November, one thousand eight hundred and _____, viz:

That the whole number of votes given for the office of Governor, was four hundred and fifty; of which John Doe received two hundred and ten; Job Tracy received one hundred and twenty; Ira Jones received ninety; John Teal received seventeen; Amos Doe received eleven; Peter Hall received one, and J. Good received one.

Dated _____, in the year 18 ____.

A. B. }
C. D. } *Inspectors of*
E. F. } *Election.*

[Proceed in this manner with each description of officer or officers voted for, giving first the whole number of votes, written out in words (not figures,) at full length, and then the number of votes for each candidate voted for, written out in the same way.

If more than one canal commissioner or inspector of state prisons is to be elected, after the first general election in November, 1847, give first the whole number of votes, and then add: "of which John Pell received three hundred and fifty, for four years; Peter Den received two hundred and twenty, for two years," &c., as the case may be.]

N. B. In counties entitled to more than one member of assembly the certificate should contain the following statement, viz: "That the whole number of votes given for the office of member of assembly for the (first, second, third, &c., as the case may be) assembly district in said county, was four hundred and sixty; of which John Tate received two hundred and forty," &c., giving the names and number of votes received by each person voted for, and the number of the assembly district.

No 20.

Certificate of canvass of votes for Electors of President and Vice President.

We, the undersigned, composing the board of inspectors of election in and for the election district of the town of (or of the ward of the city of) in the county of do certify that the following is a correct statement of the votes given for Electors of President and Vice President at a general election held in said district on the day of November, one thousand eight hundred and , viz:

That the whole number of votes given in said district for the office of Electors of President and Vice President was eighteen thousand five hundred and forty; of which John Den received five hundred and fifteen; Peter Dale received five hundred and forty, &c.

Dated 18 .

A. W. }
L. R. } *Inspectors of*
M. N. } *Election.*

N. B. One canvassed ballot of each kind, given for the officers to be chosen, must be securely attached to the paper containing the canvass, and the writing of the statement with respect to each de-

scription of officers or officer, must be partly on such ballot. [Tit. IV, Art. 4, § 42.]

Great diversity of practice has prevailed under this section. And indeed, there is at first view considerable ambiguity in the language of the statute. The provision is in these words: "The inspectors shall securely attach to a statement of such canvass, one ballot of each kind found to have been given for the officers to be chosen at such election, any or either of them, except those given for Electors of President and Vice President, and they shall state in words at full length immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be attached, the whole number of all the ballots that were received which correspond with the one so attached, so that one of each kind of the ballots received at such election for the officers then to be chosen shall be attached to such paper, with a statement of such canvass."

The words "any or either of them" would seem to imply that every scattering vote or split ticket should be attached. Such votes, however, are sometimes so numerous as to render this and the writing "partly on such ballot and partly on the paper to which it is attached," nearly or quite impossible. And it is believed that no good reason can be assigned for such a construction. The Legislature, aware that the community was divided into political parties, each of which might vote for officers of its own creed, determined that a specimen ballot of each should be attached to the return, "so that one of each kind of the ballots received at such election for the officers then to be chosen shall be attached." At every election, each political party has its ticket "for the officers then to be chosen;" and one ballot of each, as a specimen, must be attached. The ballot to be attached is one which is given "for the *officers* then to be chosen;" it is a full ticket of each political party. It is "one of each political kind of ballots for the officers then to be chosen." And the ballot to be attached must be one which is "for the *officers* then to be chosen," and not for a part or portion of them, such as may be on a scattering vote or split ticket.

Such, when the whole section is considered, seems to have been the object of the Legislature and the words “any or either of them” must be understood in subordination to this object, and as qualified by the subsequent words, “so that *one* of each kind of ballots for the *officers* then to be chosen, &c.” The irregular, scattering and split tickets must be canvassed and estimated: but the ballots need not be attached.

In making a canvass, estimate and statement of votes given for Electors of President and Vice President the same proceeding as above should be observed. [Tit. IV, Art. 4, § 43.]

Defective Ballots.—Tit. IV, Art. 4, § 42.

All ballots which are so irregular, ambiguous or informal, as that they cannot be canvassed, are denominated “defective ballots,” and must be rejected. All the defective ballots which have been rejected, must be attached to the statement, containing the canvass, by wafers or otherwise, and returned with the original canvass to the board of county canvassers.

The object of the law in requiring the defective ballots to be attached to the statement and returned to the county canvassers doubtless is, that these ballots may be examined by the county canvassers, and any mistake in returning them or any of them as defective, when they are not so, corrected.

Ballots may be defective in various ways; as for example:

If under the designation “For Governor,” two or more names should be written or printed, the ballot would be defective:

If under the words “For Members of Assembly,” or “Coroners,” more names than there are officers of the particular description to be elected, should be inserted, the ballot would be defective:

If names are given without a designation of the office, the ballot is defective:

If several designations of office are united, as, “For Assembly and Coroners,” the names attached to or in connection with such

blended designations cannot be canvassed; and the ballot is defective :

If the christian name or surname only is given, the ballot is defective. But well known and established abbreviations of christian names, as, Wm. for William, Jno. for John, Abm. for Abraham, &c., ought not to be deemed defective; because the meaning is as clearly conveyed as though the names had been written at full length.

Where the name is misspelled, if the sound is conveyed, the ballot should be counted, as, Jacub for Jacob, Jonson for Johnson, &c.

Where there is reasonable doubt, that is, where two conflicting constructions can be fairly given to the ballot, it is defective.

A copy of the certificate and canvass must be made by the inspectors, and immediately filed by them in the office of the clerk of the city or town. The poll lists must be filed in the same manner. The ballots not pasted or attached to the canvass must be destroyed.

Within twenty-four hours after it is made, the original certificate and canvass must be delivered by the inspectors, or one of them, to be deputed for that purpose, to the supervisor of the town or ward, or if his office is vacant or he is unable to attend the county canvass, then to one of the assessors of the town or ward.

No. 21.

Certificate of canvass of votes for Judicial Officers.

We, the undersigned, composing the board of inspectors of election in and for the election district of the town of (or of the ward of the city of) in the county of do certify that the following is a correct statement of the result of a general election held in said district on the day of November, one thousand eight hundred and , (or at the election held in said district on the seventh day of June, one thousand eight hundred and forty-seven,) viz :

That the whole number of votes given in the said district for the office of judge of the court of appeals, was six thousand and forty four; of which James Jackson received eight hundred and twenty two; John Stiles received eight hundred and thirty, (&c. &c., proceeding through the whole list of officers and names voted for.)

That the number of votes given in said district for the office of justice of the supreme court, was six thousand and thirty five; of which John Doe received nine hundred and fifty-three; Richard Roe received nine hundred and forty-two, (&c., as before.)

Dated _____ in the year 18__.

A. B. } *Inspectors.*
C. D. }
E. T. }

[The inspectors must proceed in this manner with each description of officer or officers voted for, giving first the whole number of votes, written out in words, (figures should not in any instance be used,) at full length, and then the number of votes for each candidate voted for, written out in the same way.

If more than one judge of the court of appeals or justice of the supreme court is to be elected, after the first judiciary election in June, 1847, give first the whole number of votes, and then add: "of which James Hardwick received three hundred and eighty five for six years; John Griscome received two hundred and ninety-one for four years," &c., as the case may require.]

No. 22.

County Canvass.

The proceedings of the board of county canvassers are minutely prescribed in Tit. V. Art. 1, and the directions of the law must be carefully followed.

Statement by the board of County Canvassers.

Statement in relation to Governor, Lieutenant-Governor, Judges of the Court of Appeals, Justices of the Supreme Court, Clerk of the Court of Appeals, Secretary of State, Comptroller, Treasurer, Attorney-General, State Engineer and Surveyor, Canal Commissioners, Inspectors of State Prisons, Senators and Representatives in Congress :

The board of county canvassers of the county of _____ having met at the office of the clerk of said county, on the _____ day of November, 18____ to canvass and estimate the votes given in the several election districts of said county, at the general election, held on the _____ day of _____ in the year aforesaid, do certify as follows, to wit: That it appears, on such estimate and canvass, that the whole number of votes given for Governor, was fifteen thousand one hundred and ten; of which Peter Doe received seven thousand and one; Abel Roe received six thousand and twelve; John Den received one thousand two hundred and seventeen, and Job Fen received eight hundred and seventy-two votes:

That the whole number of votes given for Lieutenant-Governor, was fifteen thousand, of which, (&c. as before:)

That the whole number of votes given for Senator, (or Senators, as the case may be,) was, &c. :

[If more than one Judge of the Court of Appeals, Justice of the Supreme Court, Canal Commissioner, or Inspector of State Prisons, is to be elected, give the number of years assigned to each candidate, as contained in the aggregate of the canvass of the several election districts.]

That the whole number of votes given for Canal Commissioner (or Canal Commissioners, as the case may be,) was &c.

That the whole number of votes given for a Representative in Congress, was, &c.

Dated the _____ day of _____ in the year 18____.

A. B. *Chairman.*

C. D. *Clerk of the County and Secretary.*

Statement in relation to County Officers.

The statement may be in the same form as the preceding, varying only as to the description of officers in the caption or heading and then proceed as follows :

That the whole number of votes given for County Judge, was, &c.

That the whole number of votes given for District Attorney, &c.

That the whole number of votes given for Sheriff, &c.

That the whole number of votes given for County Clerk, &c.

That the whole number of votes given for Coroners, &c.

[And in the city of New-York,]

That the whole number of votes given for Register, &c.

[When the *separate* officer, to perform the duties of the office of Surrogate, and the *local* officers to discharge the duties of County Judge

and Surrogate are chosen, the officers and names of the officers should be inserted in the above statement.]

No. 23.

Certificate of the election of County Officers.

The board of county canvassers of the county of _____ having canvassed and estimated the votes given in the several election districts of the said county, at a general election, held on the day of _____ 18____ do hereby certify, determine and declare that John Doe, by the greatest number of votes, was duly elected County Judge of said county:

That Richard Roe, by the greatest number of votes, was duly elected District Attorney of said county.

That Abel Stiles, by the greatest number of votes, was duly elected Sheriff of said county:

That Asa Webb, by the greatest number of votes, was duly elected County Clerk of said county:

And that John Dun, Ralph March and Eli Root, by the greatest number of votes, were duly elected Coroners of the said county.

Dated the _____ day of November, in the year 18__.

A. B. *Chairman.*

C. D., *County Clerk and Secretary.*

N. B. If there are any other county officers elected the names and designations must be entered in the above certificate.

No. 24.

Statement by Board of County Canvassers.

Statement in relation to members of Assembly:

The board of county canvassers of the county of _____ having met at the office of the Clerk of said county on the _____ day of November, 18____, to canvass and estimate the votes given in the several election districts in each of the Assembly Districts of said county, at the general election, held on the _____ day of _____ in the year aforesaid, do certify as follows, to wit:

That it appears, on such estimate and canvass, that the whole number of votes given for member of Assembly in the First Assembly District of said county, was nine thousand four hundred and fifty; of which John Smith received four thousand and eight hun-

dred; Peter Fales received four thousand four hundred and fifty; and John Doe received two hundred votes.

That the whole number of votes given for member of Assembly in the second Assembly District of said county, was nine thousand and fifteen; of which Peter Nokes received five thousand and ten; Samuel Stark received four thousand; J. Colton received three, and Patrick Holton received two votes.

[Proceed in this manner with the subsequent districts in the county, where there may be more than two, until the result in each Assembly district is given. Where the county does not elect but one member of Assembly the statement will be varied to conform to the fact.]

No. 25.

Certificate of the election of Members of Assembly.

The board of county canvassers of the county of having canvassed and estimated the votes given in the several election districts in each of the Assembly Districts of the said county, at a general election held on the day of 18 , do hereby certify, determine and declare that John Doe, by the greatest number of votes was duly elected member of Assembly, in and for the First Assembly District in said county.

That Richard Roe, by the greatest number of votes was duly elected member of Assembly in and for the Second Assembly District in said county.

Dated the day of November, 18 .

A. B. *Chairman.*

C. D. *county clerk and secretary.*

[Where more than two members of Assembly are elected in a county, proceed in like manner to give the name of each person elected, and the number of the election district he is to represent.]

No. 26.

Certificate of the County Clerk to be added to the Transcript or Copy of the Recorded Statement.

[After transcribing the whole statement, and affixing thereto the seal of his office, add the following:]

I certify the above to be a true copy from the record in my office.

A. B. *Clerk of the county of*

The clerk of each county is to transmit to the Secretary of State a list of the names of the members of Assembly, and a list of the names of all the county officers. And in addition to former laws, he is required to give in such lists, *the place of residence* of each of them respectively. [Tit. V, § 22.]

SECRETARY'S OFFICE, }
Albany, May 13th 1847. }

The act, chapter 276, of the Laws of 1847, entitled "An act to provide for the election of certain judicial and other officers, and to fix their term of office," which is published in this pamphlet, provides that the first election for the officers designated therein, shall be held on the seventh day of June, 1847.

The § 2 of this act, directs that in all the counties of the State (except New-York,) having a population of forty thousand, a separate officer to perform the duties of the office of Surrogate, shall be chosen at the said election, if determined upon, as prescribed in the § 11 of the act, by the board of supervisors, in accordance with the provisions of said section. The officers so to be determined upon and elected, are denominated by the 14th section of the act, "Surrogates."

By the § 3 of the same act, recorders are to be elected on the day above mentioned, in each of the cities of the State, (except New-York) in which the office existed on the 31st day of December, 1846, and the inspectors of election in the cities in which such recorders are to be chosen, must provide a separate box in which the ballot for the candidate voted for must be deposited.

Form of the ballot to be used, on which the word "city" must be endorsed on the outer side, when folded :

For Recorder,
Richard Peters.

The names of all the persons voted for at the election before mentioned, for judges of the Court of Appeals, justices of the supreme, clerk of the court of appeals, county judge, surrogate, district attorney, justice of the peace, designated "for sessions," must be upon one ballot, to be endorsed "judiciary," which ballot must be received and deposited by the inspector of elections, in a separate box kept for that purpose.

Any further directions on this head, except to refer to the general instructions preceding these remarks, are not deemed necessary or important.

Proper care must be observed in respect to the selection or designation of the justices of the peace in the several counties, to be associated with other judicial officers in holding courts for the trial of criminal cases. The following section of the act entitled "An act in relation to the judiciary," passed May 12th, 1847, is believed to be of sufficient importance to authorize its insertion in this place.

§40. At the first election for county judge, and at every general election after the year one thousand eight hundred and forty-seven, two justices of the peace in each county, except the city and county of New-York, shall be designated to hold courts of sessions in their respective counties, as follows: each elector may designate or place upon a ballot under the words "for sessions," the name of one justice of the peace in the county, having at least two years from the first day of January next after said election to serve, and the two justices of the peace having the greatest number of said votes, shall be deemed designated as members of the court of sessions of that county; those so designated at the first election, until and including the last day of December, one thousand eight hundred and forty-nine; and those so designated after the present year, for two years, commencing on the first day of January next after said designation; and at said first election, such justices shall be voted for on the same ballot with the county judge, and thereafter if any county officer shall be then voted for, upon the same ballot with the county officers. And if said justices or either of them, shall be absent at any term of oyer and ter-

miner, or at any term of said court of sessions, or the office of any such justice shall become vacant, the county judge may at any such term of the court, supply any vacancy or deficiency during that term, by selecting any justice of the peace of the county, for that purpose.

Two justices of the peace are to be designated in each county, but an elector cannot "designate or place" upon his ballot more than one name; and if he do so by accident or design, the ballot will be void so far as regards the designation, but if the remainder of it is correct, an entire exclusion of the whole ballot would not be justified.

By the 6th section of the act, chapter 276 of the Laws of 1847, "all laws relating to general elections," are made applicable "to the election authorized" by that act. The board of county canvassers are required by sec. 2, art. I, title V, of the "act respecting elections, other than for militia and town officers," passed April 5, 1842, to meet at the office of the county clerk, *on the Tuesday next following the election, before one o'clock in the afternoon of that day*, and organize as a board. The election being held on Monday, the 7th day of June, the boards of county canvassers must consequently meet the day following and organize, or adjourn to the next day if necessary. If there should not be a full attendance on that day, it will be expedient that measures be taken to notify the absentees immediately, in order that they may be in attendance on the day following, or that the statements of the votes from the election districts of the towns not represented at the board may be produced at the canvass.

The time prescribed by the existing law for the meeting of the county canvassers, and the period allowed to make up and deliver the original statements, must have escaped the attention of the Legislature when the judiciary election law was under consideration, or it is presumed a different and more convenient period for the meeting would have been fixed; at least two intervening days between the election and the day assigned for the county canvass would have been given.

The § 48 of Title IV, requires the original statements of the votes to be delivered by the inspectors or one of them to the supervisors, within twenty-four hours after the same shall have been subscribed. In this case the importance of the subject demands that this duty be performed immediately, and that these statements be placed in the hands of the supervisors as soon as they can be made out and carried by express to those officers, in order that they may be transmitted to the county clerk's office and filed there before six o'clock on the afternoon of the ninth day of June, or before that time if practicable, if the supervisor or assessor of the town should not be able to attend.

If all the election returns in the county should not be presented on the first day when the board are required to convene, the present emergency would justify an adjournment to a very late hour in the afternoon of the ninth of June, to afford an opportunity to have all the election returns of the county brought in. The particular attention of the inspectors of elections and the members of the boards of county canvassers is called to Sections 35 and 48 of Title IV, and Sections 2, 12, 13, 14 and 15 of Title V of the "act respecting elections other than for militia and town officers."

N. S. BENTON,
Secretary of State.

CHAP. 255

AN ACT

In relation to the superior court and court of common pleas in and for the city and county of New-York.

Passed May 12, 1847.

The People of the State of New-York, represented in Senate and Assembly, do enact as follows :

Section 1. Three justices of the superior court of the city and county of New-York, and three judges of the court of common pleas of the city and county of New-York, shall be elected by the electors of said city and county, at the first election of the justices of the supreme court; the said justices of the superior court shall be voted for together, on the same ballot, but such ballot shall be separate and distinct from any other ballot voted at the same election, and shall be deposited in a separate box to be designated "superior court." The said ballot shall be designated on the inside thereof, "for justices of the superior court," and on the outside thereof, "superior court." The judges of the court of common pleas shall be voted for together on the same ballot, but such ballot shall be separate and distinct from any other ballot voted at the same election and shall be deposited in a separate box to be designated "common pleas;" but an omission of either of such designations shall not vitiate any ballot, provided the same shall be found in the appropriate box.

§ 2. The votes for such justices and judges shall be canvassed and certified in the same manner as the votes for register and clerk of the city and county of New York are canvassed and certified. And a certificate thereof shall also be filed with the Secretary of State.

§ 3. Said justices first elected shall immediately after the votes are canvassed, be classified by lot, to be publicly drawn by the register and clerk of the city and county of New-York, in the presence of the mayor and recorder of the city of New-York, or one of them, and said certificate of said drawing and classification shall be signed by said register and clerk, and said mayor or recorder, or both of them, and filed in the office of said clerk and register. The classes shall be numbered one, two and three, according to the term of service of each, and the class having the shortest time to serve shall be number one, and the term of offices of the justices drawn in class number one shall end on the thirty-first day of December, one thou-

sand eight hundred and forty-nine ; in class number two, on the thirty-first day of December, one thousand eight hundred and fifty-one, and in class number three, on the thirty first day of December, one thousand eight hundred and fifty-three, so that one of said justices shall go out of office every two years, and after the expiration of the terms of office under the first classification, the term of office of said justices shall be six years, and the term of office of the justices first elected shall commence on the first day of January next.

§ 4. All the provisions of the last preceding section shall also apply to the judges of the court of common pleas in and for the city and county of New-York, whose election is provided for by this act.

§ 5. At the general election next preceding the time at which the term of office of any such justice or judge shall then expire, there shall be an election to fill such vacancy, and if a vacancy shall occur at any time in the office of any justice or judge before his term shall have expired, by death, resignation, removal or otherwise, then such vacancy shall be filled for the residue of the unexpired term at the next general election after the vacancy shall occur.

§ 6. The justices of the superior court elected pursuant to this statute, shall select one of their number to be the chief justice thereof, and the judges of the court of common pleas so elected shall select one of their number to be the first judge thereof, which said selection shall be made within ten days after the commencement of the term of office of any such justice or judge elected for a full term, and an order stating the result of such selection shall be entered with the clerk of the court, and if no such selection shall be made, the justice or judge not elected for an unexpired term, and having the shortest time to serve, shall be such chief justice or first judge.

§ 7. The justices of the superior court whose election is provided for by this act shall have and possess the same powers and perform the same duties as the justices of that court now have and possess and perform ; and the judges of the court of common pleas whose election is provided for by this act, shall have and possess the same powers and perform the same duties as the first judge and assistant judges of said court of common pleas now have and possess and perform.

§ 8. The salary of the justices and judges of the said courts shall be fixed by the board of supervisors of the said city and county before and to commence on the first day of July next, and shall not be increased or diminished during their term of office.

§ 9. The terms of office of the present justices of said superior court, and of the first judge and two associate judges of the court of common pleas of the city and county of New-York, shall terminate on the first day of January next, and from and after that day, the offices of the first judge and two associate judges of the court of

common pleas in and for the city and county of New-York, except as herein before provided, are abolished.

§ 10. The fees to which the justices or judges of the said courts are now entitled, shall after the first day of July next be received and paid by the clerks of the said courts into the treasury of said city and county for the use of the said city, and the said several salaries hereinbefore provided for, shall be paid out of said treasury in quarter yearly payments.

§ 11. This act shall take effect immediately.

STATE OF NEW-YORK, }
Secretary's Office. }

I have compared the preceding with an original law on file in this office, and do certify that the same is a correct transcript therefrom and of the whole of the said original.

N. S. BENTON,
Secretary of State.



¶ The officer to whom this is distributed will deliver it
to his successor in office.



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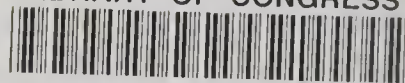
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